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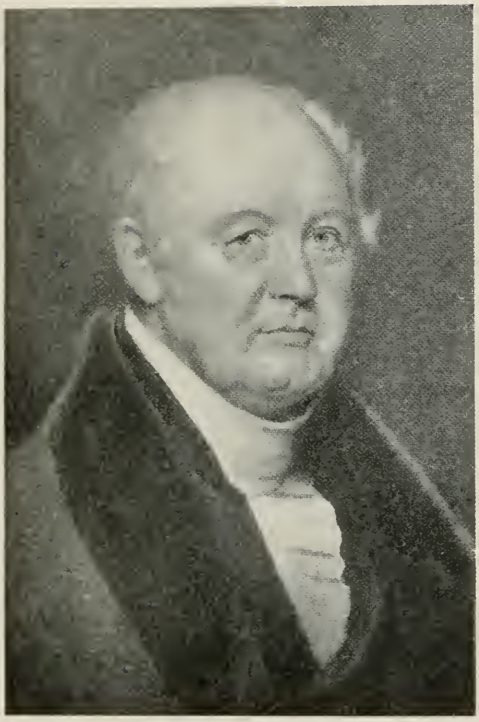

JEREMIAH MASON.

MEMOIR, AUTOBIOGRAPHY AND CORRESPONDENCE

OF

JEREMIAH MASON

MEMOIRS

OF

JEREMIAH MASON

Reproduction of privately printed Edition of 1873
Illustrated and Annotated, with Enlarged Index
by
G. J. Clark of Kansas City, Mo.

BOSTON LAW BOOK CO.
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DEDICATION

This book is gratefully inscribed by the editor and reviser to the first of the "Noble Three Hundred" subscribers for the Memoir before publication, thus making its issue possible.

Among these are the following:

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ERRATA.

1. Mrs. Jerome Bonaparte, wife of the younger brother of Napoleon I, is here meant. She was before marriage to Jerome Bonaparte, December, 1803, Miss Elizabeth Patterson of Baltimore, Md. They were divorced in 1805. Note "b," p. 68.

2. The same person, Mrs. Jerome Bonaparte, is meant, instead of Mariae Rose Josephine, wife of Napoleon Bonaparte, at page 73, Note "a."

3. Read "Wirt" instead of "Wist," note "c," 2nd word, p. 187.

4. Read "us" instead of "as,"—6th line; and "our" instead of "out,"—11th line, p. 198.

PREFACE TO EDITION OF 1873.

I was asked by my friend, Mr. Robert Means Mason, to prepare from materials furnished by him, a Memoir of his father, Mr. Jeremiah Mason. He was desirous that such of his father's descendants as had never seen him should have some more distinct impression of what manner of man he was than could be gathered from memory and tradition. I readily complied with his request, as I had known his father in the last years of his life, and retained a fresh impression of his peculiar traits of mind and character, as well as a grateful sense of his kindness to me personally. It will be borne in mind that this Memoir is privately printed, and intended only for a limited circle of readers; it thus has more of Mr. Mason's domestic correspondence than would have been proper in a published work.

I have been assisted in my task by many of Mr. Mason's surviving friends; among them, Mr. Daniel M. Christie, of Dover, N. H.; Mr. Samuel P. Long, formerly of Portsmouth, N. H., now of Boston; Mr. John P. Lord, of South Berwick, Maine, Mr. Ebenezer Wheelwright, formerly of Portsmouth, N. H., and Mr. Lory Odell and Mr. W. H. Y. Hackett, both of Portsmouth, N. H. To the last named gentleman I am under peculiar obligations, as he has answered my frequent inquiries, and obtained information for me, with a zeal and readiness which nothing but a warm interest in the subject could have inspired.

My work, as it went on, was submitted to the inspection of Mr. R. M. Mason, and has throughout profited by his judgment and taste.

G. S. HILLARD. (a)

Boston, *June*, 1873.

(a) George Stillman Hillard, an American lawyer and author, was born at Machias, Maine, on the 22nd of September, 1808; after graduation at Harvard

College, in 1828, he taught in the Round Hill School at Northampton, Massachusetts; graduated at the Harvard Law School in 1832, and in 1833 was admitted to the bar in Boston; entered into a partnership with Charles Sumner; was a member of the State House of Representatives in 1836; of the State Senate in 1850; of the State Constitutional Convention, in 1853; and was United States Attorney for Massachusetts, 1866-70. He devoted a large portion of his time to literature, receiving high commendation from C. H. Hill, a compentent critic, for the literary merit of this Memoir, and as a legislator won warm commendation from Daniel Webster. In 1833 he edited the *Christian Register*. Subsequently he became associated with Mr. Sumner in the publication of the *Jurist* (1829-43), a legal journal to which Charles Sumner, Simon Greenleaf and Theron Metcalf contributed; and from 1856-61, owned an interest in the *Boston Courier*, of which he was associate editor until he retired at the beginning of the Civil War. In 1847 he delivered a course of lectures before the Lowell Institute. Trinity gave him the degree of LL. D., in 1857. His addresses include a 4th of July Oration (Boston, 1836), *Dangers and Duties of the Mercantile Profession*, delivered before the Mercantile Library Association (1850), and an oration before the N. Y. Pilgrim Society (1851), a eulogy on Daniel Webster (1852). He was the author of the privately printed Memoirs of James Brown, and of Jeremiah Mason, and a Life of Captain John Smith for Spark's *American Biography;* published the *Practical Works of Edmund Spencer*, with a critical introduction (1832); a translation of Guizot's *Essay on the Character and Influence of George Washington* (1840); a *Memorial of Daniel Webster;* and *Six Months in Italy* (1853); *Life and Campaigns of George B. McClellan* (Philadelphia, 1856); *Political Duties of the Educated Classes*, a pamphlet (Boston, 1866), and *Life of George Tichnor*, with Mrs. George Tichnor, (Boston, 1873). He also published *Selections from the Writings of Walter Savage Landor* (1856); besides a series of School readers and many articles in periodicals and encyclopedias. He died in Boston, January 21, 1879.

FOREWORD TO EDITION OF 1917.

This Reproduction of the Memoir of Mr. Mason has been undertaken, for the reason that it is believed, the delineation of the career of the greatest common-law lawyer this country has produced, cannot but be helpful to the busy lawyer of today. The edition of 1873, printed by the family, in a limited 200-copy edition, for private circulation, has become exceedingly scarce, and consequently very expensive, varying in value from $40 to $60 per copy,—one copy, interleaved with cuts, and bound in two volumes, selling recently to a leading Missouri lawyer for $125.

Mr. Mason's superiority as a lawyer lay in his solid qualities, exact knowledge of the law, and great skill in applying it. An expert in examination and cross-examination, he drew from a witness, just what he desired and no more. He was enabled to do this as he knew exactly what he wanted. He never went to trial without talking with his witnesses, beforehand, and, therefore, knew what they were going to say. He was a profound student of human nature, never perturbed, of unerring judgment, and possessed rare common sense,—an "uncommon" endowment. While not an orator, in the common acceptation of that term, he ranked not with Erskine, Brougham, Pinkney, Webster and Choate, but rather with the three greatest verdict winners in the history of the profession,—Dunning, Scarlett and Luther Martin.

The author believes that the careful study and appropriation of the knowledge and methods of the great masters in the exacting profession of the law, cannot but be beneficial to the practitioner of today. We know of no better model, in all the elements that lead to success, than Mr. Mason. A close study of this Memoir, will lead any careful student, it is believed, to the same conclusion. A somewhat extended study of the lives of judges and lawyers during the last twenty-five years, over a period covering five hundred years of time, has profoundly impressed us with the fact that nearly all of our masters in the law, have familiarized themselves with the methods of their predecessors and contemporaries. Especially is this true of Erskine, Brougham, Romilly, and Scarlett of England; and Wirt, Pinkney, Webster, Choate and Prentiss, of America.

This edition is limited to 1,500 numbered copies. Fifty-one illustrations have been added, and ninety-eight annotations to the text (including the Latin translations), which it is believed will enliven and illumine the work. The Arabic figures in parentheses, throughout the text, indicate the bottom of the page in the 1873 edition. This double paging makes either edition available for historical reference. The author's notes are indicated by lower-case letters of the alphabet, as distinguished from Mr. Hillard's notes, in the original edition, indicated by Arabic figures.

For a cursory view of Mr. Mason's life and work, examine his Autobiography, pp. 1-36, inclusive. While it covers but twenty-nine of his eighty years of life, it is first-hand information, modestly told. Study, also, John P. Lord's Recollections, pp. 43-45, inclusive, for a glimpse of Mr. Mason's office methods; the Dartmouth College Case, pp. 162-167, inclusive, to observe the grasp of the great principles involved in that epochal case; his Eminence as a Lawyer, by Geo. S. Hillard, showing wherein he excelled others in his legal acumen, pp. 366-384, inclusive; Webster's Memorial Address, pp. 390-405, inclusive,—for a resume of his entire life; and Rev. J. H. Morison's letter to R. M. Mason, pp. 427-432, inclusive, for a reminiscent communication of incidents and anecdotes.

Thanks are due Hon. Oliver H. Dean, President of the Kansas City School of Law, the Nestor of the Kansas City Bar, for the Introduction to the Memoir, which he was kind enough to prepare, amid the exacting cares of a busy profession; and to Charles M. Ingraham, Esq., not only a leading member of our local Bar, but a connoisseur in the classics, for translating the many Latin passages abounding in the work. While much labor and time have been expended, in putting forth this reprint, upon the whole, it has been a work of pleasure and inspiration.

Kansas City, Mo., Dec. 10, 1917.

G. J. CLARK.

INTRODUCTION

When we record the life of a person which has been particularly honorable and useful, whose influence has exerted itself in a valuable way in many important phases of our history, whose principal features furnish inspiration and courage to all who may study it, and when in that study is found much to immitate and when also, in that study is discovered a mind that is broad and generous and through which our own is broadened and softened, what better work can be undertaken than to publish the history and merits of such a life?

The best view that can be obtained of times and conditions is found in the biographies and autobiographies of the men who prominently figured in their times. The world would be dark as to many things if it were not for Plutarch's Lives; and would not much be lost to us if we were not brought, by biography, in close contact with the work of the men who performed influential parts in the formative period of the American Republic?

The great experiment, as it may be truly said to have been an experiment, to launch in the Western world a Republican form of government, in which individual liberty would be combined with safety and order, was fraught with many difficulties and dangers. The experiment had miserably failed in previous times. The first forty years of our own history was filled with doubts; and arguments were frequent, constant, why our form of government could, and ought, to continue to exist. Washington in his Farewell Address recognized this doubt. He said:

> "Is there a doubt, whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation, in such a case, were criminal. We are authorized to hope, that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bands."

The philosophy of our governmental institutions necessarily is that no individual can in the affairs of life succeed without benefiting his fellowmen. If a man is a great artist, poet, writer, educator, surgeon, physician, inventor, or scientist, his work must result for the benefit of humanity. If a man is a successful farmer, it is because he cultivates his fields intelligently, for the benefit of his fellowmen, who will consume what they bring forth. If he is a successful manufacturer and establishes great industries, he does it only because he manufactures something the public highly needs. If a successful merchant, he buys wisely and sells better goods at a more satisfactory price to his patrons—goods needed to satisfy the wants or tastes of the people. If a railroad is built, a gas or electric light plant is established, or telephone or telegraph lines are constructed across the country, or ships are built to navigate our lakes or seas, or boats, our rivers, all by private enterprise, it is because there is need for them, and the public is benefited by them. If great financial institutions arise, they are based upon the prosperity of our country and are a necessary part of its growth. It follows, that every kind of work, business enterprise, profession and pursuit, is administered to meet a public want, and if that want does not exist, in any of these things, there can be no success in it. It follows, then, that in the final analysis, all that society gets for its own uses and benefit, it gets almost wholly through the private administration of private affairs for the social good. It follows, too, that the individual who honestly works with the greatest industry and who brings to that work the highest intelligence, or even genius in the end, is performing the highest and best work for society as its chief beneficiary.

When a man by nature has been given great talents, when through those talents he has overcome the difficulties which poverty threw around his early career, when he has used those talents in a learned profession, and by them has ennobled it, when he was so fortunate as to have lived during a constructive period of American History, and when he could exert upon courts, senates, legislatures and the people broad, patriotic and profound views of government, and when he exhibited, in all that he did and said, a thorough belief in our political structure, and could defend it and spread its value among every class as only a few of his day had the ability to do, it is well to turn to his life and hold it up to public view.

The country owes much to Jeremiah Mason, and a generous and gracious task is performed by Mr. Clark, when new attention is called by him to his worthy and useful life.

Kansas City, Mo., Dec. 14, 1917.

OLIVER H. DEAN.

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MEMOIR OF JEREMIAH MASON.

CHAPTER I.

AUTOBIOGRAPHY.

ON this twenty-seventh day of April, 1844, being my seventy-sixth birthday, I sit down to call to recollection and narrate some of the incidents of my life. I am fully aware that I can state nothing in any degree useful or interesting to the public. My life has been spent almost wholly in the labors and duties of my profession, and like that of most other lawyers, furnishes little or nothing of public interest. Why then do I make these idle notes? I do it in compliance with the urgent and reiterated request of my children. To them the most ordinary events relating to me may seem to be interesting; and although I have myself acted no important part, I have lived during one of the most extraordinary periods of the world. I have been sometimes brought in contact with some of the most celebrated men of our country; of some of these I may occasionally speak.

I have always supposed that I was descended from John Mason, a captain in Oliver Cromwell's army, who came out from England to Dorchester in Massachusetts, and soon removed to Windsor, in Connecticut, with the first settlers in that colony, and was greatly distinguished in the early wars with the Pequod and Narragansett Indians. But I am not able to trace my pedigree up to him. My great-grandfather lived in the town of Haddam, in Connecticut, and died young, leaving two children, Jeremiah, my grandfather, (1) and a daughter. His relation to John Mason I have not been able to ascertain.

My grandfather was born in the year 1705, and died in 1779. I well remember being at his funeral.[a] He lived in that part of the town of Norwich which now constitutes the town of Franklin, on the farm which my father by his will gave me. He was much respected, and somewhat distinguished by his strict observance of religious duties. He was a deacon of the Congregational Church.

My maternal grandfather was James Fitch, a grandson of James Fitch, a learned divine, who came from England and was settled as a minister at Saybrook, in Connecticut, and afterwards in Norwich, and died at Lebanon; in the burying ground of which place I have seen his epitaph in Latin, which represents him as having been a man celebrated for his learning and piety. My grandfather was born in 1703, and died in 1789. His father also died while young. He inherited from his grandfather a large tract of land in the parish of Goshen, in the town of Lebanon, which he obtained by a grant from the Indians. He had two children, my mother, Elizabeth, and Ann. He built a dwelling-house on the aforesaid tract of land while in a wild state, and brought a large farm under cultivation. This, when they were married, he divided between his daughters, and retired himself on to a small farm which my father purchased for him. With a quite ordinary education he had a sound and vigorous understanding. For many years he was associated with the elder Governor Trumbull in representing the town of Lebanon in the General Court in the colony of Connecticut.

My father, Jeremiah Mason, was born in the year 1730, and died in 1813; my mother was born in 1732, and died in 1809.

The aggregate of the ages of my six immediate ancestors amounts to four hundred and ninety-nine years five months and five days, averaging more than eighty-three years to each.

My father, soon after his marriage, removed on to the large farm given to my mother by her father, where I and all his other children were born. The title to this farm, derived by grant to my mother's

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[a] Mason was then 11 years old.

great-grandfather from Uncas, the Indian sachem of that region, has never been alienated out of the family, and is now owned by my nephew, Jeremiah Mason, son of my eldest brother James.

My father had nine children, of whom I was the sixth. One died in infancy, the rest lived to mature age, were married, and had families. In my old family Bible I have stated their births, marriages, children, etc. Two sisters only survive, both older than myself.

My father was of a good figure, a little above six feet in height, rather slender, with a pleasant countenance and ardent temperament. He was easily irritated and as easily appeased. He had a quick apprehension with a sound judgment, was exceedingly active, industrious, and persevering in matters of business, whereby he acquired a large property for a man in his situation. He had a good common-school education; acted as a magistrate for a long period, and was much resorted to by the people of his neighborhood for drawing deeds and other legal instruments.

At the commencement of the Revolutionary War, being a staunch Whig, he raised and commanded a company of minute men (as they were called), with which he performed a tour of duty at the siege of Boston, and was with the party that was sent out in the early part of the night to fortify Dorchester Heights. I have often heard him say that he never worked himself, nor saw men work with such ardor and effect for so many hours in succession as on that occasion.

The next autumn (1776), having been promoted to a colonelcy, he went out in command of a militia regiment and joined the army in the vicinity of New York. At the end of this harassing and unfortunate campaign, he came home sick. He continued in the command of the regiment till after the close of the war. When General Arnold assaulted and burnt New London, he rallied and brought out his regiment with very commendable speed, which, although no important service was rendered, gained him credit, and was said to be the cause of his being appointed to the command of Fort Trumbull, at the mouth of New London harbor. This he (3) retained for a few months only, till the excitement occasioned by the attack passed away. He had, or thought he had, a taste for military life. I have heard him express his regret that he had not early in the war entered the Continental army.

He was a good man, affectionate to his family, kind and obliging to his neighbors, and faithful and strict in the observance of all moral and religious duties.

My mother was a woman of fine natural understanding; of good appearance, but plain in manners and discreet in conduct. Her reading was confined mostly to books of devotion, and she had little concern with artificial accomplishments. Her great value consisted in the purity of her heart and affections under the guidance of native discretion. Kindness and benevolence were instinctive with her; she seemed never to fall under the influence of any angry or malevolent passions; she was kind to all who approached her, or came within the sphere of her influence, and this was followed by its natural consequence. I doubt if there was a person in the world that owed her ill-will, or felt an inclination to do her injury. With all this superabundant kindness she was very efficient in the management of her large household, and in the performance of all her duties. I think she must have had a considerable degree of fancy and natural taste, as she used always to draw the patterns on samplers for my sisters' ornamental needle-work, in which they became somewhat accomplished. She was anxiously desirous to give all her children the best education in her power, and it was owing much to her influence with my father, that I was enabled to obtain a collegiate education. She was ardently pious, and much devoted to the duties of religion. In my recollection she is a personification of love, kindness, and benevolence. I venerate and love her memory.

The earliest distinct recollection of my childhood is the alarm of the Battle of Lexington in the spring of 1775, when I was seven years old. In the early part of the evening a horseman called at the door and left a written notice of the alarming intelligence, and (4) hastily passed on his way. The whole family was instantly in commotion. Messages were instantly dispatched to the minute men to meet as quick as possible at their company rendezvous equipped and ready to start for the battle. My father soon departed, after taking a most affectionate leave of my mother and the children, leaving us all in an agony of tears. For as he was going to fight the regulars (as the British troops were called), we naturally supposed the matter was to be fought out at once, and that there was an even chance that he might never return. After two days of extreme distress, news came that the British had retreated into Boston and that our minute men were met on their way and turned back; we were consoled by the knowledge that our dear father was safe, and also by the belief that the war was over.

Latterly in my old age the events of my childhood seem to recur to my memory more freshly than they did in the middle period of my life. The reason may be that I am now more in the habit of trying to recall them.

My father lived in a retired situation with no near neighbors, and only a few within two miles, and those of an ordinary cast, with whom our family kept up but little intimacy. For amusements we were left mostly to our own resources. The most serious inconvenience attending this seclusion, was the want of a good school. There was no school-house within the district, and when a school was kept at all, which was during a small portion of the time, it was in an apartment of some dwelling-house. Till after the age of fourteen, I think, I never attended school but three winters, and not longer than three months each winter; both the instructors and pupils must, of course, have been very ordinary. Considerable pains were taken in the family to instruct the children in the rudiments of reading, spelling, and writing, by having the elder instruct the younger. Most, if not all, the children were sent from home for short periods to better schools; by this means the elder children became, in some degree, competent to instruct the younger. No set times for study and instruction were fixed on, but the instruction (5) was given when it might happen to be convenient, and, of course, was of little value. My mother was careful to have us well drilled in the Westminster Catechism, which was faithfully committed to memory, and Mr. Stowe, our parish minister, came regularly once a year and examined us.

As soon as I had sufficient strength I was kept industriously at work on the farm, like other farmers' boys, till I had advanced half way through my fourteenth year. I had no special liking for hard work, and often importuned my father to let me go off to school. He always replied that he intended I should go, and that I should go soon. My elder brother, James Fitch, at the urgent request of my mother's father, whose name he bore, had been sent to school with intent that he should prepare for college, but on attempting the study of the dead languages he took a strong dislike to it and abandoned it. At length my father, tired with my reiterated importunity which was always enforced by the advice of my mother, consented that I should go to school; accordingly, late in the fall of 1782, my father applied to Master Tisdale to receive me in his school in the old parish of Lebanon, about six miles from our house, which I entered. I boarded with my sister, Mrs. Fitch, who lived near a mile from the school; but that was considered to be no objection, and it truly was not. Many of the scholars lived at greater distances. Master Tisdale's school had acquired a good deal of celebrity, and was attended by scholars from a distance. He graduated at Cambridge, was a good scholar, and had kept the school, I believe, forty years, and had become quite aged, and was, probably, less efficient than he had been. He was, however, still a very competent instructor and worthy man, and I have always retained a grateful regard for his memory. The school-house was a capacious brick building, planned and erected under the auspices of the elder Governor Trumbull, and furnished excellent accommodations. When there lately I was both grieved and mortified to see that the modern degenerate proprietors had torn down the venerable old building and substituted in its place a flimsy wooden erection. (6)

I recollect with gratitude the kindness and affectionate treatment of my sister Fitch while I lived with her. She was a woman of excellent understanding, in temperament and disposition much like my mother, and gave me much good advice.

I was very backward for my age in all school learning. I read but poorly and spelt worse; my handwriting was bad, and in arithmetic I knew very little. I have always regretted the loss of the time spent at work on the farm at home. Had I been placed at school six or eight years earlier, it would probably have been of advantage to me. I was aware of my deficiency and went to studying with good resolution and diligence. In the course of a few months I commenced the study of the Latin, and soon after that of the Greek language. In less than two years I was declared by Master Tisdale to be fitted for college.[1]

In the autumn of 1784, I was examined and admitted to the Freshman class in Yale College. The requirements for admission to that college were then very low. In Latin the examination was confined to a part of Virgil and a part of Cicero's Select Orations;

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[1] The First Parish in Lebanon, as that was called in which Mr. Tisdale's school was located, was greatly distinguished by a strict and rigid observance of the prescribed religious duties. They were of the Calvinistic Puritan school, of the highest order. The elder Governor Trumbull, then governor of the State, was the chief ruler of the synagogue. He was a venerable man, with the reputation of much learning. He had for assistants his son-in-law, Colonel William Williams, one of the signers of the declaration of Independence, his son, the late governor, and three or four others who claimed pre-eminence from their collegiate educations. The parish had been subjected for a long period to a rigid theocratic government. The Sabbath commenced at the setting of the sun on Saturday and ended at sunset on Sunday. The Sabbath was a day of solemn gravity, on which the children were strictly forbidden to laugh. Much difficulty had been experienced in finding a suitable successor to their late minister, Dr. Williams, who had occupied their pulpit nearly fifty years. They had numerous candidates on trial; but the whole parish, men and women, had become critically learned theologians, and none could pass the scrutiny, till at length a Mr. Ely (the late Dr. Ely) was adroit enough to unite all their suffrages. Great preparations were made for his ordination. Some dozen of us school-boys planned a dance for the evening, engaged a negro fiddler and an equal number of pretty girls to join us. We were in high spirits, anticipating the pleasure of a fine frolic, when to our consternation, at the close of the ordination service, up rose Colonel Williams, and, after proclamation for silence, with a loud voice read an order of the civil authority of the town forbidding all fiddling, dancing, and other like carnal recreations on that day, and enjoining all persons to keep the day with the religious observances proper for the Sabbath. This at once put an end to all our notions of frolicking. Nobody doubted or thought of questioning the right of the civil authorities to make the order.

in Greek, to the Evangelists. My attainments, though slender, were equal or superior to that of a majority of my class. At that time the instruction of each of the three junior classes in all branches, was confided exclusively to its own tutor. The Sophomore class being very large, was divided and had two tutors. The president had charge of the Senior class. There was a professor of divinity whose duty was confined to preaching on Sundays, and who had nothing to do with class instruction. The tutors were usually young men who had been out of college only one or two years, and retained their places for short periods only. The college was almost entirely destitute of funds and unable to employ competent professors. The whole income from the endowment was no more than sufficient to pay the small salaries of the president and professor of divinity. The tutors' salaries and all other expenses, were to be indemnified by tuition fees and the rent of rooms in a small college building. Yet with such slender means of instruction, a good degree of hard study was enforced. President Stiles had excellent talents for government; was both loved and respected, and maintained a sound discipline; a boy that would not study had an uncomfortable time of it.

As usual I had been examined and was admitted at the time of Commencement, and at the end of the ensuing vacation I returned to New Haven to join my class. I arrived the afternoon of the first day of the term, and having put up my horse and engaged lodgings for the night, I, towards evening, went up to the college to see the splendor of my future residence. While standing in the college yard (as the inclosure was called), a man booted and with a horsewhip in hand, approached me and asked if I was a Freshman. I answered, "Yes, sir." "Take off your hat, then, when in the presence of one of the government of the college." He added, "Go and ring the bell for prayers," and passed into the college building. I was confused by this harshness and went immediately to what I supposed to be the chapel. The door of the belfry was open, but on entering I could find no bell rope. I looked into the chapel, (8) nobody was there; after looking again for the bell rope and finding none, and feeling a little indignant at the rude treatment I had received, I left the chapel and returned to my inn. There I found several of my classmates, with whom I soon became acquainted. I told them the story of the treatment I had received and of my apprehension of trouble from my disobedience of orders; this led to an ardent discussion of the demerits of the fagging servitude to which, by the ancient college regulations, the Freshmen were subjected. By the college laws the Freshmen were placed in what was deemed an improper subjection to the members of the other classes. The superiors had the right of requiring of the Freshmen certain menial services, such as sending them on errands to any parts of the town, bringing water from the pump at all times, except during study hours and college exercises. They had also the right of requiring the attendance of the Freshmen at their rooms to be there instructed in the rules and practice of good manners. Whatever might have been the original object and effect of this practice, it had now fallen under much odium, and was exercised mostly by the young Sophomores for the purpose of vexation. We were unanimous in its condemnation as tyrannical and degrading.

The next morning I attended prayers at the chapel, after which all my classmates that were present were directed to repair to a certain room in college, where we were met by Mr. Perkins, our tutor, who explained to us the college regulations, and assigned rooms in the lower story of the college building to such as desired them. On passing through the yard I was met by the same person I had seen the day before, who immediately recognized me and ordered me to come to his room, which he pointed out. I had before found out that he was Mr. Tutor Channing. He, in a harsh manner, took me to task for disobedience of his orders in not ringing the bell. I plead inability by reason of there being no bell-rope. He disallowed my excuse, saying that the rope was drawn up into the second story of the belfry; that I could have found it easily enough if I had tried. After giving me a severe reprimand, he (9) excused me from further punishment in consideration of my ignorance of his dignity and of college laws, and dismissed me with a strong caution to look out for the future. Alarmed by having fallen so soon under ill opinion by the Government I went immediately to my father, who was then in New Haven attending a session of the Legislature, of which he was a member, and explained to him my grievances and apprehensions. He was acquainted with Mr. Talcott Russell, the senior tutor, and arranged with him to receive me into his room as his Freshman. This exempted me from the liability of being fagged by the members of the higher classes. For the privilege, I was at the expense of partly furnishing the tutor's room, and did such errands and services as he required. He allowed me a closet for my study. He was a gentlemanly and kind man, and I lived with him the year pleasantly. Mr. Tutor Channing always seemed to look on me with an evil eye, but I had no further difficulty with him. At the end of the year he left, with which I was well pleased.

During my college life I was regular in my conduct, getting into no scrapes and tolerably diligent in my studies, especially in my Junior year, when I studied rather severely — quite as much so as my health would bear. I had a good standing with the president and tutors. In my Senior year I was one of the monitors in the chapel. My chum for the second and third year was Daniel Waldo, my senior by several years. He was a hard student; and without great faculty for acquisition, by dint of study became a good scholar. He was a very correct and worthy man, and I have always deemed myself fortunate in having him for a chum. He afterwards became a Congregational clergyman, and is, I believe, still living.

I passed through college with good success; my standing in my class was among the first. In Latin and mathematics I was inferior to none, and deeply regret my subsequent neglect of those studies. In Greek I pretty thoroughly mastered the Greek Testament, the only book required to be studied, and in which we were examined. My real knowledge in that language was slender, and is now almost (10) entirely lost. I excelled in forensic disputations, of which considerable account was then made in the college. My greatest deficiency was in the English language which I impute to the neglect of my early school education. Almost no pains were taken in English at the college at that time.

My class was under the instruction of Mr. Perkins the two first[a] years. He was a good scholar and rigid disciplinarian, and kept us diligently at work. The third year Mr. Fitch, afterwards President of Williamstown College, was our tutor. He was a very amiable man, but less efficient as an instructor than Mr. Perkins.

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[a] "The two first" is a sample of Mr. Mason's defective English, alluded to in the preceding paragraph. Should be "the first two," as there cannot be "two firsts," as the one must be "first," and the other "second;" but there can be a "first two," i. e. the first and second.

During our Senior year the President took the whole charge of our instruction. Ethics constituted our chief class study, and Locke's treatise our only text-book. Some attention was paid to a general review of our previous college studies and the President insisted that the whole class should undertake the study of Hebrew. We learned the alphabet, and worried through two or three Psalms, after a fashion; with most of us it was mere pretense. The President had the reputation of being very learned in Hebrew, as well as several other Eastern dialects. For the Hebrew he professed a high veneration. He said one of the Psalms he tried to teach us would be the first we should hear sung in heaven, and that he should be ashamed that any of his pupils should be entirely ignorant of that holy language.

We had but one recitation a day, and the prescribed studies took up but a small portion of our time. Those inclined to study were mostly directed by their own inclinations. I unwisely spent a considerable portion of my time in the elementary books of the law, on which profession I had determined.[b]

President Stiles' chief value consisted in his admirable powers of government. His time must have been so taken up with other duties that he could have had little for the instruction of his class. Indeed, the whole ability of the college for instruction was, at that time, sadly defective. The college Faculty, however, did the best they could. They made regulations requiring diligent study, which (11) they enforced by faithful and rather severe examinations. This occasioned a violent rebellion among the students, which was quelled by the expulsion of some and the dismissal of others. The result was the more firm establishment of the authority of the Government.

My college life, on the whole, passed pleasantly and with tolerable profit. At the Commencement, when I was graduated (1788),[a] in the public exercises a part in the forensic disputation was assigned to me.

[b] Mr. Madison, it seems, believed in studying along the line of his life-work, even while in college, a theory frowned upon by many educators and even by Mr. Mason as he here says.

[a] In 1788, when Mason graduated at Yale, he was 20 years of age, having entered college at the age of 16.

My classmate, the Rev. Dr. Chapin, was my opponent. Our question was, whether capital punishment was, in any case, lawful. I held the negative. I stole the most of my argument from the treatise of the Marquis Beccaria, then little known in this country. It was new, and consequently well received by the audience; indeed, its novelty excited considerable notice. I was flattered and much gratified by being told that my performance was the best of the day. In the course of a long and active life I recollect no occasion when I have experienced such elevation of feelings.

During my college life I had been in the habit of frequently attending the law trials in New Haven. The bar contained several talented lawyers and popular speakers, of whom Pierpont Edwards was the most celebrated. He had the reputation of great learning, which, from what I have since heard, I doubt whether he deserved. But he was certainly very fluent, and, I thought, eloquent. The trials were all conducted in a manner loose and highly popular. The admiration excited there led me to choose the law for my profession.

Immediately after Commencement I explained to my father my inclination for studying law. He had attended the Commencement, and I knew that he was gratified with my supposed proficiency, and I expected no objection to my proposal; but he did object, assigning as the reason the great expense that would be incurred, and suggested that I had better keep school for a time or go to studying divinity under the direction of Dr. Stone, the clergyman of our parish. I did not believe that he really wished me to study divinity, (12) for which he knew I had no inclination, but supposed he made this objection to punish me for spending more money during my Senior year in college than he deemed necessary. That was occasioned mostly by my purchasing that year more expensive articles of dress than in former years. My clothes had before been furnished almost wholly from the domestic manufactory of the family, which my kind mother had, with great pains, provided for me, and which, though good and substantial, I thought not smart enough. If my father's inclination to enforce rigid economy needed any apology, it might be found in the excessive scarcity of money and the extreme poverty of the whole country at that period.

Sanguinely confident in my ability to take care of myself, I immediately determined not to importune my father for further supplies, but to attempt to get my law education by my own exertions.

From what I had heard at New Haven I got the notion that the State of New York was the best place within my reach for lawyers. My good grandfather Fitch, who then lived with my father, had given me a small sum of money; with this and the loan of his horse I started on a journey to Albany, literally to seek my fortune. I went by way of Litchfield,[a] in Connecticut, where I met with several of my college acquaintance in Judge Reeve's Law School. I should have been delighted to have joined them, but being unable to do so I professed a decided preference for the State of New York, to which I told them I was bound. At Great Barrington I tarried a few days with my Aunt Whiting and her interesting family. I soon contracted an intimacy with Samuel, the eldest son, a well informed and worthy man, who died many years ago; with him I consulted, and explained my projects. My plan was to support myself while studying law at Albany, by instructing a small school or class of boys preparing for college. If I failed in making such arrangements, I thought of applying to Judge Sedgwick of Stockbridge, then in the height of his reputation as a lawyer, who had married another of my aunts that died soon after her marriage. My cousin told me that a violent feud had long existed between his (13) father, Judge Whiting, then lately deceased, and Mr. Sedgwick, and that the Whitings would be grievously pained by my making any acquaintance with Mr. Sedgwick. I mention this trivial matter, as it was the real cause that in after times induced me unwisely to neglect opportunities of making the acquaintance of Judge Sedgwick, which I might easily have done.

When I got to Albany I put up at the Eagle Tavern, in Main Street, where there was a large number of lawyers attending the Su-

[a] Litchfield, Conn., now has a population of 5971, is nearly 30 miles west of Hartford, about 45 miles from New Haven. Great Barrington, in the Berkshire Hills, nearly 90 miles from New Haven, a town of about 6000 people, a well-known and popular summer-resort, was for a long time the residence of Wm. C. Bryant; Stockbridge, 15 miles north of Great Barrington, is a place of less than 2000 inhabitants, contains the monument of Jonathan Edwards, and near is Lake Mahkeenac, where Hawthorne wrote "The House of Seven Gables." It was also the summer-home of Henry Ward Beecher, and later of Joseph H. Choate. Albany, N. Y., is some 45 miles from Stockbridge; hence Mr. Mason's horse-back journey was about 150 miles. MacMaster gives the population of Albany, as 3800 in

preme Court then in session. There, for the first time, I saw General Hamilton and Aaron Burr. I immediately inquired out my classmate Woodworth, who had commenced the study of law in the office of Mr. Lansing, a Dutchman, and afterwards Chancellor of the State, the immediate predecessor of Judge Kent; from him I got information of the general lay of the land. After looking round for two or three days I applied to Major Scill, a lawyer of good, though not of brilliant reputation, and frankly and fully explained to him my true condition and strong desire to enter his office as a student in some way, if I could. He received me with great courtesy and expressed a kind sympathy for my situation, saying that he had at my age found himself in a similar condition. He disapproved of my project of school-keeping; said that Mr. Dickson, whom I had known in Yale College, and who had been in his office three years, was then just leaving it; that he had much writing and other business in his office which I could advantageously employ myself in doing, and that, if I felt willing to go to work industriously, he would receive me into his office and furnish all the means necessary for my support during my three years' term of study, and in case I performed my duties faithfully, would, at the termination, claim no remuneration. I gladly acceded to his offer, and, engaging to return in a short time, left him.

When at Albany, hearing of the new city of Troy, then just planned, I went to see it. I found a great number of streets staked out and named, with only three or four buildings of any kind, where (14) now stands a well built city, with, I suppose, twenty-five or thirty thousand inhabitants.

When I got home and told my father what I had done he was decidedly opposed to the whole of my project. His chief objection was a strong dislike to my settling in the State of New York. The people of Connecticut had, from ancient time, entertained strong prejudices against the people of New York. In the early Indian wars they accused them of aiding the Indians by supplying them with

1786, and says it was then over 100 years old, next to New York City in importance in the state, the sixth in rank in the United States. It was expected that Albany would rival Boston and Philadelphia in magnificence, and become the emporium of Northern trade. It must be remembered that New York City's population in 1786 was but 24,500, and surpassed by Boston alone in commerce, though the latter had but 15,000 souls, and Philadelphia, 32,205.

muskets and ammunition. Besides, the Connecticut folks hated the Yorkers because they were Dutchmen and knew nothing of the Saybrook Platform. My father partook a good deal of the prejudices of his neighbors, and felt an extreme reluctance that I should go and settle for life among the Yorkers. He said if I was resolved on studying law I might return to New Haven and study with Mr. Baldwin, and that he would pay my expenses. Mr. Baldwin is the father of the present governor of Connecticut. He was then a young man of much respectability, had been a tutor in college two or three years, and in the practice of law about one year. I felt a decided preference for returning to Albany, but being unable to overcome my father's reluctance I gave it up, and wrote to Major Scill, excusing my neglect to perform my contract on the ground of my father's refusing his consent; to which I received an answer, approving of my conduct.

I soon went to New Haven, entered Mr. Baldwin's office, and lived in his family. Then, as at the present time, very little instruction in the course of study was given in a private office. I spent a year in Mr. Baldwin's office reading pretty diligently. My time passed pleasantly; I had access to very good society. He married a daughter of the celebrated Roger Sherman and lived near him. He had a family of children,—some near my age. I was often at the house, and very frequently saw Mr. Sherman. His reputation was then at the zenith. His manners, without apparent arrogance, were excessively reserved and aristocratic. His habit was, in his own house, when tea was served to company, to walk down from (15) his study into the room, take a seat, and sip his tea, of which he seemed fond, and then rise and walk out without speaking a word or taking any manner of notice of any individual. In the street he saw nobody, but wore his broad beaver pointing steadily to the horizon, and giving no idle nods. Still, I fancy Roger Sherman was capable of the most adroit address when his occasion required it. Several years after this, being in New Haven, I met Mr. Sherman in the street, expecting to pass by him unseen, as usual; I was surprised by his stopping and kindly greeting me, requesting me to call at his house before I left the city. When I called, he received me most courteously and in a flattering manner congratulated me on my success in my profession, of which he said he had been informed. He then told me that, being a member of the old Congress of the Confederation during the time Vermont (in which State he erroneously supposed I was settled) was asserting against New York its claim to independence, believing the claim just, he had been an earnest advocate for it; that during the pendency of the claim, the agents of Vermont often urged him to accept grants of land from that State, which he refused, lest it should lessen his power to serve them. Now, as their claim was established, and the State admitted into the Union, if the people of Vermont continued to feel disposed to make him a grant of some of their ungranted lands, as his family was large and his property small, he had no objection to accepting it. I was sorry to be obliged to tell him that I belonged to New Hampshire and not to Vermont, but that living on the borders of that State and being much acquainted with many of the inhabitants, I would do what I could to have his wishes complied with. This I afterwards did by stating the circumstances to several influential men of Vermont. They readily recognized the merits of Mr. Sherman's services, and said he ought to have a liberal grant. But I never heard that anything was done in the matter, and presume his case made another item in the history of the ingratitude of republics. The time the Vermonters needed his services was passed. (16)

As I have before stated, the time when I commenced the study of law was a period of extreme depression and poverty throughout the country. The war of the Revolution had exhausted all the resources of the country. For the want of an efficient National Government, trade and all other kinds of business remained stagnant. The profession of law felt this depression severely. The State of Connecticut was overstocked with lawyers; most of them had but little business, with fees and compensation miserably small. The professional income of Pierpont Edwards,[a] supposed to be the largest in the State, was said not to amount to two thousand dollars a year. Very few obtained half that sum; my master Baldwin, with his utmost diligence, was scarcely able to maintain his small family, living in the most simple manner. Seeing the host of needy young lawyers, some with clever talents, seeking business with little or no success, I soon became satisfied that my prospect was exceedingly unpromising. The common opinion was that the prospect for success was much better in the neighboring States. In most of the States at that time, to entitle a person to admission to the bar, a term of study within the State was required. After maturely balancing the *pros* and *cons*, I came to the conclusion, in the fall of 1789, that it was best for me to quit Connecticut. My inclination was strong for New York, and I wished to renew my application to Major Scill, but I found my father still averse to it. I then proposed Vermont. To this he made no objection.[1] I took a journey of exploration into that State. I there became acquainted with my Uncle Marsh and his family. He was Chief Justice of the Court of Common Pleas in Windsor County, had been Lieutenant Governor of the State, and was a man of much respectability. He was decidedly in favor of my coming to Vermont. His son, my cousin Charles Marsh, had then just commenced the practice of law at Woodstock, and seemed to have a good prospect for business. The country was new and rough, with the life and bustle peculiar to new countries. There were, at that time, few lawyers, comparatively, in the State, and still fewer of any eminence. There was an ample supply of law-suits involving land titles of considerable importance. I concluded, on the whole, that I should stand a better chance for success in Vermont than in Connecticut. I entered myself as a student in the office of Stephen Rowe Bradley, at Westminster[a]; returned home; visited New Haven, and took up my connections there and went back to Westminster the first part of the ensuing winter. I found General Bradley (that was his usual designation) an extraordinary character. He inherited from nature an ardent

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[a] Pierpont Edwards (1750-1826), was born in Northampton, Mass., the youngest son of Jonathan Edwards, the celebrated divine. He was a noted lawyer and politician; was graduated at Princeton in 1768, and began the practice of the law at New Haven in 1771. Was frequently elected to the State Legislature, and early advocated colonial independence; served in the army; was administrator of Arnold's Estate after his treason; was a member of the Confederation Congress, 1787-8; and at the time of his death, Judge of U. S. District Court. Aroused much feeling among the Connecticut Calvanists by founding a Toleration Party. His income, supposedly the largest in the State, was less than $2,000 a year.

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[1] Many of the settlers of Vermont, especially of the region of the Connecticut river, emigrated from Connecticut, and were known to my father. He had always been strongly in favor of the independence of Vermont, influenced, perhaps, somewhat by his dislike of New York.

[a] Westminster is now a village of but 850 people.

and sanguine temperament, with vigorous, natural powers of mind, and strong passions. He was graduated at Yale College in 1775, but his attainments from study were slender. His studies were irregular, as his capricious humors and inclinations directed; without much refinement of any kind, he had an unconquerable love for broad humor and practical jokes, which he freely indulged on all occasions. He was an admirable story-teller, and was never more delighted than when he had an opportunity to set the rabble of a court-house or bar-room on a roar by one of his overwhelming droll stories. With all this apparent lightness and indulgence in drolleries, he was persevering and efficient in action, rather deriving aid than suffering impediment from them. Many years after the time of which I am speaking, I heard the celebrated Mr. Giles of Virginia, in the Senate of the United States, when expressing his regret for the failure of a certain measure that had been attempted, attribute the failure entirely to General Bradley, who had then been a member of that body, saying that of all the men he ever knew, General Bradley possessed the most extraordinary powers in a deliberative assembly to defeat any measure he assailed. Among his other queer fancies he built a pulpit in his office, which was ample, adjoined his house, and opened directly into a parlor, and also into a long piazza, so that a large audience might be accommodated. He occasionally notified meetings and had preaching in his pulpit. (18) On one occasion he gave out that Mr. Murray, the celebrated Universalist, was to preach in his pulpit. This gathered a crowded assembly, when instead of Mr. Murray, an ordinary traveling Universalist preacher whom he picked up, entered the pulpit. He was fluent, and delivered a flaming discourse on his favorite doctrine. Mr. Sage, the minister of the parish, an ardent young Calvinistic divine of the Orthodox sect, who had attended to protect the purity of the faith, on the close of the discourse immediately challenged the Universalist to a combat of polemic discussion. The Universalist promptly accepted the challenge; General Bradley immediately arranged the combatants at two tables, and assumed a seat for himself as moderator to rule the debate and keep order. Sage assumed the part of assailant and the Universalist that of defender, and the battle began. For two long hours the moderator sat with imperturbable gravity, ruling the questions of order raised by the combatants, and

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of Massachusetts.

sometimes suggesting questions himself. This furnished him with an ample fund of amusement for a long time.

He was extravagantly fond of narrating the fooleries he had practiced. He often told with great zest a hoax he had practiced on a poor man, by imparting to him, under solemn injunctions of secrecy, a recipe for making the fish called bass out of bass-wood. He had a vast stock of stories of such like feats. His manners were popular, and such light conduct did not seem much to injure his respectability in the rude state of society then prevailing in that region.

He professed to attach much importance to the Orthodox religious faith; and with a strong love for money, he suffered but little inconvenience from rigid principle of any kind. A short time before I entered his office, he had married his second wife, an amiable woman of lady-like accomplishments, who exerted a very favorable influence over him. I lived in the family, where all things were pleasant, and occasionally enlivened by agreeable company. There was little or no good society in the place, nor was it (19) much better at Walpole,[a] the village on the opposite bank of the river.

There was then living in Westminister a lawyer of the name of Lot Hall (afterwards a judge of the Supreme Court of Vermont), a man of ordinary natural talents, little learning, and much industry. With him Bradley had long been at feud. As is usual with village feuds, where there can be but few objects to excite the feelings and passions, the mutual enmity had become so violent as to prevent all social intercourse. Justices of the peace had a large civil jurisdiction which was final when under a certain amount of damages. Before these Justices' Courts a great deal of petty litigation was carried on. At these courts Messrs. Bradley and Hall often met, and held discussions not well calculated to soften or sweeten their tempers. Soon after I entered his office, Mr. Bradley, being obliged to be absent at the time of one of these courts, requested me to attend in his stead. I rather reluctantly consented, fearing that I should not be equal to the occasion; but Mr. Bradley encouraged me by professing to hold his adversary in great contempt. I attended, and there argued my first cause, and won it; with which both my client and I were well satisfied. Mr. Bradley was much gratified that I had beat Hall, as he termed it. He said his engagements were such as rendered it inconvenient for him to attend to these petty cases, and offered to give me the whole charge and management of all the business before the Justices' Courts, with all the fees in litigated cases, and one half the income (being the taxed costs) in the cases not litigated. The offer was grossly improper for him to make and for me to accept; my time ought to have been exclusively devoted to study. But I needed money, which I knew my father furnished rather reluctantly, felt pleased with the offer, which flattered my vanity, and immediately acceded to it and launched out into a sea of pettifogging. I continued in Mr. Bradley's office nearly a year and a half, during which I did a very considerable business under this agreement. I commenced a multitude of suits for the collection of small debts, and often appeared as counsel in the petty litigation (20) in the Justices' Courts in Westminster and the adjoining towns. I certainly knew very little law, but that was the less necessary as most of my opponents knew not much more, and the judges I addressed none at all. Being tolerably fluent I got along pretty well. Whenever it was my fortune to meet Mr. Hall, I was careful to treat him with marked courtesy, to show that with his business I had not adopted Mr. Bradley's quarrel. I often studied my little causes with sufficient diligence, and this premature attempt to argue causes helped me to gain confidence in myself; which was highly beneficial to me, for I was exceedingly diffident.

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[a] Walpole now has a population of 800.

The withdrawing so much of my time and attention from regular, systematic study was doubtless injurious. But it put me early in the habit of relying on my own resources, and I am inclined to think that it was on the whole advantageous to me. It was, however, a dangerous course, and I would not advise any law student to follow it, if he had the opportunity. The money part of the arrangement did well enough during the eighteen months I pursued it. I had no occasion to call on my father for supplies; my part of the emoluments of the business was more than sufficient to pay all my expenses, including my tuition-fee and the purchase of clothes, and also the purchase of a saddle-horse, which I kept nearly all the time. But this was in reality of no great importance to me, for my father had consented to pay my expenses and was well able to do it without any inconvenience.

At the Court of Common Pleas held at New Fane[a] in the county of Windham in June, 1791, I was admitted to the bar. By a statute of Vermont the term of study requisite for admission was two years within that State. I had studied more than two years in the whole, but only eighteen months within the State of Vermont. The practice of the Court was to refer to the members of the bar all applications for admission to it. The bar of that county consisting mostly of young men friendly to me, construed the statutes by equity in my case and recommended me for admission. The Chief Justice, at (21) the private suggestion of Mr. Bradley,[1] as I had reason to believe, opposed my admission on the ground of non-compliance with the statute, which he said the court was bound to inquire into; but his two associates overruled him, and I was admitted. My object now was to fix on a place for commencing the practice of my profession. The reputation of the State of Vermont was at that time low. A few years before the war of the Revolution an ancient contest between the colonies of New York and New Hampshire, for the jurisdiction of the territory which now constitutes the State of Vermont, had been decided by the Royal Government of England in favor of New York. Most of the lands had been granted by New Hampshire, and nearly all the settlements had been made under those grants. The inhabitants were almost universally opposed to coming under the government of New York, and boldly determined to resist that government by force. To effect this they associated and organized a government by no authority other than their own. Although they successfully resisted New York, established their independence, and were admitted into the Union as a State, yet they labored under the reproach of having originated a rebellion which they sustained by a course of measures of a mobbish character, tending to the destruction of all elevated and noble

[a] New Fane is now a village of 136 people.

[1] My reason for believing that Mr. Bradley made this suggestion, was that when I requested him to propose me for admission, he advised against it, and recommended to me to remain six months longer in his office. He said he would propose me if I persisted in requesting it, but that I should in all probability be refused. I told him the bar would recommend me to the court. He answered

principles. Their courts were badly organized and usually filled with incompetent men.[2] Most of the members of the bar were poorly educated, and some of vulgar manners and indifferent morals. Besides, a large portion of the inhabitants were new settlers and poor, and of course not desirable clients. Casting these circumstances over, I began to doubt whether I had best pitch my domicil in Vermont, and entertained serious thoughts of transferring my allegiance to the State of New Hampshire. This latter State had age in its favor, with an apparently more stable and better organized government, more property, and was in all respects in higher repute than Vermont. The courts of the two States were nearly on an equality as to learning and talent, but those of New Hampshire had greatly the advantage in point of purity and integrity. The bar of New Hampshire also were more orderly, better educated, and of better manners. I had become acquainted with several members of the bar in the county of Cheshire in New Hampshire, who assured me that if I was disposed to come into that county, there would be no objection to my admission.

It happened at that time that a Colonel Moore, who had been for several years in the practice in the town of Westmoreland,[a] where he owned a small farm on which he lived, had become desirous of removing into the District of Maine. Hearing of my inclination to come into the State of New Hampshire, he applied to me and offered to sell me his farm, and with it to resign to me his business. On inquiry, I found he had a considerable run of business, and his stand was thought to be a good one, there being no other lawyer near it. I agreed to accept his offer on condition that I

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that the court would not comply with such recommendation. I felt confident that he had no doubt that the court would comply with the recommendation of the bar if I had the aid of his influence. Besides, this sinistrous course was congenial to the man.

[2] To this observation the now venerable Nathaniel Chipman forms an illustrious exception. He had lately been appointed Chief Justice to the Supreme Court. He was a sound lawyer and able judge, and although he held the place for but a short period he did much to reform the courts of the State. He is still living, and may be justly styled the patriarch of the Vermont bar.*

* Judge Chipman died in 1843.

[a] Westmoreland, N. H., has now about 380 people.

should be admitted to the bar in New Hampshire. Admission in that State was regulated by the rules adopted by the bar. They required three years' study within the State; but they were construed liberally, and the studying within the State had sometimes been dispensed with. At the Court of Common Pleas at Charlestown, 1791, I applied and was admitted without any difficulty. For this I was indebted to the good offices of Mr. West, who was preeminently at the head of the bar of that county. Thinking myself very kindly treated by the bar, I in return gave them a brave supper at which no small quantity of wine and some wit were expended. At my request the venerable Judge Champney of New Ipswich presided, and at a late hour, when we had become sufficiently (23) inspired, he called on me to stand forth, and delivered me a charge, accompanied with the right hand of fellowship. All passed in due form according to the taste of the day, and much to the amusement of the company.

I immediately made a journey home, and obtained from my father what money he had on hand, amounting to several hundred dollars,—which he readily gave me, as it was to be laid out in land, which he always deemed the best use for money,—and came back and completed my bargain with Colonel Moore. My purchase consisted of about one hundred acres of land, with a plain and simple cottage on it, standing on the bank of Connecticut river. The price was about $1,500. I gave him what I received of my father, and for the rest assumed a mortgage that he had given on the land. There was a family in the house, which furnished me with simple lodging and boarding. I kept my office in a small room of the house for a short time, and then removed it into an adjoining building, that had been occupied for a trader's store, which I purchased. The situation was very retired but rather pleasant; no neighbors near and nothing like a village in the town.

Thus, on the 30th of September, 1791, when twenty-three years of age, I found myself settled down for the practice of my profession. I knew my stock of law learning was small. That I firmly resolved to increase to the utmost of my power. I had supplied myself with law books sufficient for present use, and went earnestly to work with them. The determination to do this was what reconciled me to the solitariness of my situation. The inhabitants of the town, with the exception of the clergyman, consisted of rough, uncultivated farmers. They, or rather a select number of them, were in the habit of meeting together at each other's houses and having carouses. Of these high-goes my predecessor, Colonel Moore, was extravagantly fond, and indulged in them to great excess. He had been educated at Cambridge College, was of the class of 1782, at which time that institution was more distinguished for producing good fellows than good scholars. He had procured the establishment of a lodge of Freemasons in the town, of which he was the Master. With much benevolence of disposition, he was very dissipated and very popular. He earnestly advised me to join the lodge, and associate freely with the inhabitants. I went to several of their parties, and, fortunately for me, was disgusted with their course wit and rude manners. To get out of the scrape, I gave them as good a treat as I could at my cottage, and had no more to do with them, assigning for my excuse, that my time was so entirely occupied with my business and my studies, that I had none to spare. From the Masonic lodge I kept free.

Small professional business flowed in upon me in great abundance. There were four courts of Common Pleas held in the county each year. I see by my old dockets that during the first year of my practice, I commenced two hundred and two suits at the Common Pleas, and in the second year two hundred and forty-seven, and in the third year two hundred and fifty-seven. Besides these, a vast many writs were issued, returnable before justices of the peace.

Before the end of the first year, I admitted into my office two young collegians,[1] as students at law. I was aware of my incompetency to direct their studies, and frankly told them so; but they persisted in their request, and I assented. My law library, though small, was, I believe, as good as any in the county. They were soon able to assist me much in the formal writings in the office. During the three years I continued in Westmoreland, although a considerable portion of my time was necessarily taken up with the multiplicity of small business in my office, I studied with more diligence than I ever did at any other period of my life. I was duly sensible of the necessity of it, and what increased my conviction of it was inability to answer, to my own satisfaction, the inquiries sometimes put to me by the young men under my direction.

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[1] Erasmus Butterfield and William Thurston.

Having acquired some little knowledge of the way of managing causes while a student in Vermont, with a good deal of conceit I determined to begin immediately to argue all the causes I commenced, and others in which I might be engaged, both in the Common Pleas and Superior courts. Fortunately for my hazardous undertaking, law learning was, at that time, in a very low state in the New Hampshire courts. My first cause was an appeal from the judgment of a justice of the peace in the Common Pleas. Judge Newcomb, an old practicing lawyer, had then lately been appointed Chief Justice. I was for the plaintiff and on introducing my evidence, the Chief Justice ruled against me on my own evidence. I insisted on arguing the case to the jury. Mr. West, who was for the defendant, declined to argue it after so decided an opinion in his favor. I went on with my argument; the Chief Justice charged strongly against me, but the jury gave a verdict in my favor. This was final and conclusive, the court then having no power to set aside verdicts of juries. This was, of course, highly gratifying to me, and tended much to confirm me in my adventurous resolution.

At this time the Legislature was in the practice of frequently interfering with the business of the courts, by granting new trials and prescribing special rules for the trial of a particular action. A ludicrous instance of the exercise of this sovereign power occurred early in my practice at Westmoreland. A poor man was accused of having stolen two small pigs of a neighbor, who applied at my office for a prosecution for larceny. Doubting whether the taking of the pigs under the circumstances amounted to stealing, one of my students, to whom in my absence the application was made, advised to an action of trover; this was commenced, in which the two pigs were alleged to be of the value of one dollar. The deputy sheriff, in serving the writ, finding nobody at the defendant's cottage, left the summons safely placed between the door and the sill, which the plaintiff, living near, saw done. As soon as the sheriff was out of sight, the plaintiff went and stole away the summons. Unluckily for him, this was seen by a person at a distance. The action was of course defaulted, and the first news the defendant had of it was an (26) execution. He made a great outcry, and soon ascertained that the summons had been stolen. He came to me with his complaint, and I offered him to have the judgment and execution canceled, and to let him have a trial for the pigs. This he rejected with contempt, and forthwith applied to the Legislature, then in session, for a remedy for his grievance. The Legislature, without notice to the opposite party, immediately passed an act directing the magistrate to cite the plaintiff before him, set aside the default and try the action, and to allow to either party an appeal. The plaintiff was cited, and I appeared for him, and denied the power of the Legislature to pass the act, and went into an argument on the constitutional restraints of the legislative power. This was answered by the opposing counsel, by portraying the audaciousness of the attempt of an inferior magistrate to question the power of the supreme Legislature. But the justice, having been an officer in the Revolutionary army, and being desirous of sustaining his reputation for courage, which stood high, promptly pronounced the act utterly void, and refused to obey it. An appeal was claimed and disallowed, the justice saying that, as the whole proceeding was void, he had no rightful power to record a judgment or grant an appeal. Thus ended the first act of the farcical drama. The defendant, nothing discouraged by his ill luck, obtained from the sovereign Legislature, at its next session, an act directing the Court of Common Pleas to try the defaulted action. There the parties again met, and, after due argumentation and deliberation had, that court determined they would do nothing with it. By this time the pig action had gained extensive notoriety, and tended much to bring such special acts of the Legislature interfering with the regular course of the courts of law, into ridicule and deserved contempt.

Having no intention of remaining long at Westmoreland, I did but little in improving my farm. I made a small garden, and planted out a few trees for fruit and shade. I took no oversight of my farm, which was left entirely to the farmer who had charge of it. I had no time for it, had I been inclined, I was so fully occupied by

(27)

my studies and my business. My income from my business, though not large, yet far exceeded my expectation, and, in that particular, I felt tolerably well satisfied. But I became tired with the solitariness of my situation, and, late in the fall of the year 1794, I removed to Walpole, six miles higher up the river. This was a brisk, active village, with several traders, and many industrious mechanics, and two or three taverns, in one of which I took lodging for a short time, when I engaged a clever house, and small family to keep it, in which I lodged and kept my office. Walpole was, at that time, a place of more business than any in that vicinity, and was much resorted to by the people of the neighboring towns. There was also a considerable travel from a distance, passing on what was called the great river road, so that my situation here seemed quite a contrast to my former solitude. The inhabitants of that part of the valley of the Connecticut river were then just passing from the rude and boisterous manners of first settlers to a more civilized, orderly, and composed state. There was more motion, life, and bustle than in the older parts of the country.

A set of young men, mostly of the legal profession, extending from Greenfield, in Massachusetts, to Windsor, in Vermont, a distance of fifty or sixty miles, were much in the habit of familiar intercourse for the sake of amusement and recreation. They occasionally met at village taverns, but more commonly at the sessions of the courts, and freely indulged in gambling, excessive drinking, and such like dissipation. The most of them were gentlemanly in manners, and some talented. I rejoice that I am able to say with truth that I did not belong to them, and never associated with them in their dissipations; my poor friend, Colonel Moore, who had been a leader among them and was already ruined, served me as a warning beacon,—added to this was the friendly advice of Mr. West, for whom I early entertained the most reverential esteem and respect.

Mr. West was by far the first, best lawyer, and, in all respects, the most respectable man in that region of country. He was educated, I believe, at Princeton College, New Jersey, and commenced (28) the practice of law at Charlestown[a] before the close of the Revolutionary War. He had good natural powers of mind, a quick and clear perception, a delicate taste, highly refined, a sound judgment, and lively imagination. His style of speaking was simple, natural, smooth, and mild; always pure and neat, and sometimes elegant, with a good person, clear and pleasant voice, much earnestness and apparent sincerity,—he was, altogether, a most persuasive speaker, In arguing cases of complicated and doubtful evidence before a jury, I have seldom, if ever, heard his superior. In the discussions of questions of law, and in argumentation of mere abstract propositions, he was less powerful; indeed, for the discussion of questions of law, he was deficient in law learning. This he was fully sensible of, and attributed it to his having quitted the study when he began the practice of the law. He said the elder Judge Livermore, who had been Attorney General of the province before the Revolution, was Chief Justice of the Supreme Court; that, having no law learning himself, he did not like to be pestered with it at his courts; that when he (Mr. West) attempted to read law books in a law argument, the Chief Justice asked him why he read them; if he thought that he and his brethren did not know as much as those musty old worm-eaten books? Mr. West answered, "These books contain the wisdom of the ancient sages of the law." The reply was, "Well, do you think we do not understand the principles of justice as well as the old wigged lawyers of the dark ages did?'' and thus his law books were laughed out of court. This was surely but poor encouragement for the dry study of law books.

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[a] Charlestown, N. H., now has about 1000 people.

Mr. West was remarkable for his modesty and diffidence; he never rose to speak, on any important occasion, without such excitement as caused a nervous tremor. I have heard him say that his feelings, arising from diffidence, were so distressingly oppressive, that he never rose, on such occasions, when he would not willingly have given three times the amount of his fees to have been excused. He was a member of the Convention of New Hampshire for adopting the Constitution of the United States, where, from his known (29) talents, much was expected from him. There was much discussion, and the result, about which he was very anxious, was a long time held in doubtful suspense; yet, though strongly urged, such was his diffidence that he could not be induced to speak.

In social intercourse his manners were simple, but always courteous and urbane. He had a delicate and refined wit, and was fond of it in others; his manner of living was simple, exceedingly neat, and approaching to elegance; he indulged in a liberal hospitality, entirely free from all ostentation. In short, he was a gentleman in the true and best sense of the term.

Soon after I removed to Walpole, Joseph Dennie, who had studied law in Mr. West's office, and had just been admitted to the courts, came to reside in that village under the pretense of practicing law. His legal knowledge consisted wholly in a choice selection of quaint, obsolete, and queer phrases from "Plowden's Commentaries," the only law book he had ever read with any attention, and this was read for the sole purpose of treasuring up in his memory these quaint phrases. These he often repeated in ridicule of the law, to the great amusement of his auditors. He was the most aerial, refined, and highly sublimated spirit it has ever been my hap to meet with.[a] He was graduated at Cambridge University, and was of the class of 1790, and, against his own inclination, by the urgent advice of his friends, he undertook to study law. With a good share of native genius, he had a delicate and accurate taste, much cultivated by an ardent study of the English classics, with which he was thoroughly imbued. His language in common conversation, without any appearance of stiffness or pedantry, was always pure and classical. He early determined on the life of an author, and he deemed it necessary to avoid the use of low or vulgar language in conversation, in order to be secure against it in writing. Highly excited by reading Gibbon's "Decline and Fall of the Roman Empire," he determined (to use his own language) "to essay" the history of his own country. His powers of conversation were of the highest order. He had a slender and feeble (30) frame, and was often depressed by bad health; but when in good health and spirits, I think I have never known a more eloquent and delightful talker.

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[a] "He was the most aerial, refined, and highly sublimated spirit it has ever been my hap to meet with." This is probably plagiarized from Lawrence Sterne's description of Shakespeare's Yorick, of whom Sterne says: "He was as mercurial and sublimated a composition; as heteroclite a creature in all his declensions; with as much life and whim, and *gaite de coeur* about him, as the kindliest climate could have engendered and put together." (From *Tristram Shandy.*)

Shortly after he came to Walpole, he commenced writing in a village newspaper, published there under the title of the "Farmer's Museum," I think. His articles attracted attention, and soon gained for the paper an extensive circulation.[1] Colonel Pickering, when Secretary of State, appointed him to a clerkship in that department, the duties of which (as I understood) were to superintend and correct any inaccuracies he might find in language and style of the correspondence of the office. With this appointment, which was made on the recommendation of his friends, he was highly gratified. But his miserable habit of procrastination prevented his going on to the seat of government till Colonel Pickering, on account of his misunderstanding with President Adams, had quit the office. He was succeeded by Chief Justice Marshall, who, finding this clerkship vacant, and being informed that Mr. Dennie had been appointed to it, wrote to him inquiring whether he intended to accept it. He answered in the affirmative, and promised to come on in a few days. But he still procrastinated, till Judge Marshall, under the influence of kindly feelings toward him, wrote again, saying, if he did not make his appearance by a certain day named, the place must be filled by a new appointment. Poor Dennie's evil genius still predominated; the day passed without his going on, and the place was lost. A few years afterward he removed to Philadelphia, where he established a periodical under the title of the "Portfolio," which was sustained mainly by his pen. This publication had a broad circulation, and his writings in it were highly esteemed by the most competent judges, for their pure, classical taste. He found little congeniality among the Philadelphians; and, with the exception of a few accomplished women, to whom he allowed great delicacy of taste, he utterly denied all their claim to any kind of literary merit.

After suffering severely from ill-health, he died in 1811 or 1812.

Royal Tyler, afterwards Chief Justice of Vermont, at the time of which I am speaking attracted much attention in that part of the country. He was graduated in Harvard in 1776, and entered at once, with great zeal and zest, into the dissipated habits and manners which at that time characterized the young men of Boston. Having suffered both in character and fortune, he removed to Guilford, adjoining Brattleborough,[a] in Vermont. With respectable natural talents, he had a brilliant wit and great powers for amusing conversation. He moved freely in the society of young men.

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[1] His politics were in the highest tone of the Washington Federal school. His articles came out under the signature of "The Lay Preacher." At one time he had a fanciful notion of taking orders in the Episcopal Church. He officiated a few times as a lay reader in the church at Claremont.

Another extraordinary character of that time and region was John W. Blake of Brattleborough. His manners were easy, graceful, and most agreeable. He was fluent; had an inexhaustible fund of anecdote, which made him an enticing and pleasant companion. But he was ruined by dissipated habits.

Another of the extraordinary men who then ranged that country, was William Coleman,[1] afterwards so greatly distinguished as the editor of the "New York Evening Post," under the patronage of General Hamilton,[b] that his opponents gave him the title of Field Marshal of Federal Editors. He was of very humble origin, having been born in the Boston poor-house. By great industry and persevering diligence, he acquired a good education. As a lawyer he was respectable, but his chief excellence consisted in a critical knowledge of the English language, and the adroit management of political discussions. His paper for several years gave the leading tone to the press of the Federal party. His acquaintances were often surprised by the ability of some of his editorial articles, which were supposed to be beyond his depth. Having a convenient opportunity, I asked him who wrote, or aided in writing those articles. He frankly answered that he made no secret of it; that his paper was set up under the auspices of General[c] Hamilton, and that he assisted him. I then asked, "Does he write in your paper?" "Never a word."—"How, then, does he assist?" His answer was, "When-

[a] Brattleborough, a city of about 6500. Guilford has now 870 people.

[b] Alexander Hamilton, the great Secretary of the Treasury under Washington, was but 5 feet 6 inches in height. Aaron Burr said of his power with the pen: "Anyone who puts himself on paper with Hamilton is lost."

[c] Greenfield now has about 9910 people.

[1] He lived at Greenfield[c].

ever anything occurs on which I feel the want of information, I state the matter to him, sometimes in a note. He appoints a time when I may see him, usually a late hour of the evening. He always keeps himself minutely informed on all political matters. As soon as I see him, he begins in a deliberate manner to dictate, and I to note down in short-hand" (he was a good stenographer) ; "when he stops my article is completed." At that time the first and ablest men in the country directed the course of the political press. They have now withdrawn from it, and left it with the editors, whose chief object is pecuniary profits. This accounts for the difference between what it was then and is now.

In the autumn of 1795, being in Boston, I was applied to by Oliver Phelps, the great land speculator, and others to go to Virginia, to examine into the circumstances attending a contract for a large tract of Virginia land, that had been conditionally entered into, with power to ratify it, if I deemed expedient, or else to set it aside and substitute another contract in its stead. The passion for land speculation at that time ran high. I had had no previous knowledge or acquaintance with such business, and did not feel competent for it. A liberal compensation was promised me, and I undertook the agency and set out on my journey. When I got to Philadelphia, the session of Congress had just commenced, and I heard President Washington deliver his speech. He was in full dress, with hair in bag, and side arms on, and seemed to me better to represent dignity and majesty than any one I had ever seen.

At Richmond I soon ascertained that no manner of reliance could be placed on the performance of the contract I was to investigate. The contractors were found to be entirely irresponsible. Of course I declined to have anything to do with them. My instructions were, if that contract failed, to make another with some responsible person, that might be substituted in its place. For this purpose I entered into a negotiation with the celebrated General Henry Lee, then Governor of Virginia, and made with him a conditional contract. This made me much acquainted with him. This was soon after he had commanded, under the appointment of General Washington, the troops called out for the suppression of the Pennsylvania Whiskey Insurrection, when he was at the height of his reputation. He was remarkable for his fine manners and great address; was a gallant soldier, and a great favorite of General Washington. The General Assembly of Virginia was then in session. The country was much excited on the subject of Jay's treaty with Great Britain, and the debates in the House of Burgesses, as they called their representatives, were exceedingly ardent. Washington, with the advice of the Senate, had ratified the treaty. Virginia was opposed to it. An address had been moved complimentary to General Washington, who was about to retire from the presidency. Among other things, it mentioned "the wisdom of his administration." This was assailed with great virulence; the truth of the assertion that his administration had been wise was denied. There was a great display of metaphysical hair-splitting ingenuity of reasoning. During the debate I dined with the Governor, with a large company, consisting of the leading men of the Legislature. Knowing, from previous conversation, what my answer would be, he inquired of me in an emphatic manner, that brought the attention of the company upon me, what was the popular opinion in New England relating to the treaty. I answered that the first impression had been unfavorable, but that there had been a great change in public opinion, and that I thought a majority of the people were in favor of it. The vote of the Boston town meeting, almost unanimous[1] against the treaty, which had been sent to General Washington, was cited against me. I had no answer satisfactory to the company. I could only assert that the Boston town meeting was no better than a mob, and that the country would not follow it. That evening I received by the mail a New Hampshire newspaper, containing (34) Governor Gilman's speech to the Legislature, and their answer approving of the treaty and its ratification in strong terms. I was engaged to dine the next day at another place, where I knew I should meet most of the same company. I put the paper in my pocket, and took the first opportunity to read it, and told them they might look out for a similar declaration from the Governor and Legislature of Massachusetts in a few days. I felt sustained in my opinion of the previous day, and the friends of the treaty seemed much gratified. I saw a good deal of the great men of Virginia, and, among others, became somewhat acquainted with Bushrod Washington, afterwards a judge of the Supreme Court of the United States. He was then a practicing lawyer in Richmond. When about to leave Richmond, I was requested to receive a package addressed to General Washington, and deliver it to him personally. At Philadelphia, I called with the package at the President's house, and inquired for Mr. Dandridge, his private secretary, who showed me into a room, saying he would inform the President. In a few minutes General Washington entered the room. I immediately presented the package, saying I had received it at Richmond with directions to deliver it to him. He pointed me to a seat, sat down himself, and opened the package and began reading. He soon turned towards me and inquired when I left Richmond, and when it was expected the Virginia Legislature would rise. He then said something about New Hampshire, by which I saw he had learned from the package that I was a Yankee. As I rose to leave, he rose and asked me when I should leave the city. I answered immediately, and made my best bow. As I rose I saw he measured my height with his eye. I stood erect to give him the whole of it. It obviously exceeded his. This was the only time I ever saw General Washington, except when addressing Congress. His dress was quite plain; I supposed it to be his riding dress. Long boots, corduroy smalls, speckled red jacket, and blue coat with yellow buttons. I am thus minute, because I deem the most trifling circumstance relating to him interesting. I have never (35) doubted that he was by far the best and greatest man that I have ever seen; as a public man he approached as near perfection as it is possible for human nature to do. With me it constitutes one of the strongest illustrations of the innate depravity of our nature, that a large portion of his countrymen, who, without his aid, would probably never have had an independent country, reviled him when living, and, after his death, when the unanimous voice of the whole civilized world compelled them to acknowledge his virtues and his wisdom, have churlishly and foolishly refused to follow his example or his precepts.

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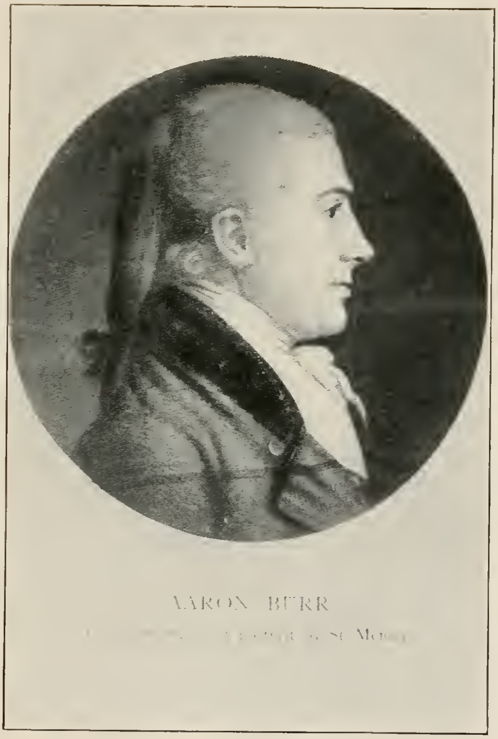
[1] Joseph Hall, since Judge of Probate, was the only person that dared speak in favor of the treaty, and I have heard him say that he did it at the peril of his life. The meeting was in Faneuil Hall, and a loud cry was raised to throw him out of the window.



AARON BURR.

(From an engraved portrait by St. Memin.)

I was in the House of Representatives when Mr. Ames made his great speech on the British treaty negotiated by Mr. Jay. It was a most masterly display of the highest kind of eloquence. After the House had been fagged and tired almost to death with discussions by the most talented men in the nation, and nauseated with the subject, he revived and excited the highest state of feeling and was heard with the most profound interest. Such was the obvious effect on the feelings of the House, that on his sitting down and nobody rising to answer, and the question being about to be put, one of the opposition (I think Mr. Giles) moved an adjournment, saying that under such feelings, the House was incompetent to act wisely or safely. I afterward had the good fortune of seeing and hearing Mr. Ames converse several times. All who knew him allowed him to be the most delightful man in the world. With much genius, he had the purest moral and critical taste. As is commonly the case with men of high powers of imagination, he dealt little with logical reasoning, but leapt to his conclusions, as it would seem, by intuition.

My agency in Virginia was thought by those interested in it, to have been judiciously executed. It made me acquainted with many of the land jobbers, who were then numerous. I was offered other agencies, and urged to enter extensively into the business. At first I thought favorably of it, and agreed to undertake several (36) agencies in land sales. But I soon saw enough to satisfy me that it was a fallacious, moonshine business, and withdrew entirely from it.

I had, as I then supposed, acquired considerable profit from it, but in the end it mostly failed. I had a connection with Ephraim Kirby of Connecticut, which involved me in a troublesome and expensive litigation, in settlement of which I became surety for Kirby; he died soon after insolvent, and I was obliged to pay several thousand dollars to get rid of my liability, for which his estate only partially indemnified me. This drawback nearly balanced my account of profits in land agencies.

By this time I had become dissatisfied with my situation on Connecticut river. The inhabitants were comparatively poor. I had business enough, but the most of it was of a small kind. I wanted a broader field of action, and to be nearer the great world.

I felt a strong liking for Boston, but considering the high reputation and crowded state of the Boston bar, I dared not attempt to intrude myself on them. I thought very seriously of going to New York. Having been introduced to Colonel Burr, then at the height of his reputation, and favorably noticed by him, I explained my intention to him. He, with much apparent sincerity, strongly advised my coming to New York; said he had no doubt of my success, and promised me his patronage. He advised me at all events to quit the State of New Hampshire, which he said could never come to anything; that New York would soon supplant Virginia and govern the Union. I knew that he was in the habit of drawing young men round him, taking them under his patronage, and converting them into political partisans. This greatly lessened the influence of his advice.

I thought favorably of Portsmouth,[a] and went there in the spring of 1797 on a visit of exploration. Edward St. Loe Livermore, who had been at the head of the Rockingham bar, had just accepted a seat on the bench of the Supreme Court. This made a fair opening. The other professional men in that town were not very efficient. Portsmouth was at that time a place of vastly (37) greater comparative importance than at present. It contained many highly respectable families, and good society was an important object with me. I had acquired a little reputation in the courts of New Hampshire, and thought I could take a share of business at Portsmouth, and seriously doubted how that might be at New York. I knew that Judge Smith was about resigning his place in Congress, with the determination of settling himself in the practice at Exeter. I did not consider that any objection to my plan, and after mature consideration I removed to Portsmouth the ensuing summer.

I attended the autumn courts of the two large counties of Rockingham and Stafford in 1797, then containing nearly a hundred thousand inhabitants, and was pretty extensively retained.

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[a] Mason moved to Portsmouth rather than Boston, in 1797, believing it would eventually be the larger city (see p. 165, this work.) Daniel Webster joined him there, ten years later, in 1807, moving to Boston in 1816, and Mason joined Webster in Boston, in 1832.

CHAPTER II.

Remarks on the Autobiography.—Mr. Mason's removal to Portsmouth.—His Marriage.—His Professional Success.—Appointed Attorney General of New Hampshire.—Friendship with Mr. Webster.—Mr. Lord's Reminiscences.

MR. MASON'S simple and characteristic autobiography, bringing the record of his life down to 1797, leaves little to be said by his biographer, either in addition or illustration. He was correct in his belief that he was descended from Major John Mason, one of the early settlers of Connecticut, distinguished for his gallantry and success in the Pequot War in 1637. His third and youngest son, Daniel, was the grandfather of Mr. Mason's grandfather.[1]

The town of Lebanon,[a] Mr. Mason's birthplace, has changed but little since he was born. Its inhabitants were and are mostly farmers, neither rich nor poor, and owning the land which they till. It is a good specimen of the agricultural towns in New England. On this point I am able to speak from personal observation, for in my early childhood it was my fortune to pass nearly two years there, in the family, and under the charge of the Rev. Zebulon Ely, of whom Mr. Mason speaks. I well remember the brick school-house there, for I have sat many hours on its benches, attending school by day and religious meetings by night; and I heartily agree with Mr.

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[a] A city of 5,000 in 1900.

[1] There was a missing link in the genealogy of the Mason family, arising from the fact that Daniel Mason, son of Major John Mason, in the Indian troubles of 1676, sent his wife, for her expected confinement, to her friends in Roxbury, where her son Daniel was born in February of that year, and baptized by the Indian apostle Eliot. This was discovered by the researches of the Rev. G. E. Ellis, D. D., which service Mr. Mason acknowledged by a handsome copy of an English edition of the Bible in quarto.

The farm on which Mr. Mason was born was given to his ancestor by Uncas, chief of the Mohegan tribe, and remained in the possession of the family till 1851.

Mason in condemning the bad taste which destroyed this substantial and serviceable structure, and supplied its place with a fabric of wood.

Mr. Ely, my teacher, was one of those old school New England clergymen of whom few are now to be found, and those only in secluded villages. He was a rigid Calvinist in doctrine, but his natural temper was kindly, and I felt for him the love which casteth out fear. I suppose his attainments to have been moderate. He could have had but small Latin and less Greek. His whole library, as I recall it, might have been transported in a wheelbarrow. I had but little of teaching or training under his charge; but he gave me a knowledge of the Bible for which I shall ever hold his memory in grateful reverence. The good old man was mighty in the Scriptures. To his simple faith the events and the characters of the Bible were as real and distinct as the scenes of his own life and the men and women of his own parish. There was no cloud of doubt in his sky. The word of God was the object of his daily and reverent study, and not only his sermons but his letters and his common speech had a large infusion of the language of the Bible.

Upon a salary of less than five hundred dollars a year,[a] aided by a small farm and the tuition fees of a few pupils, he reared a family of twelve children, and left a comfortable property at his death. One of his sons, Rev. Ezra Stiles Ely, a graduate of Yale College, and a clergyman in Philadelphia, was a man of some note in his day, and has been saved from oblivion by a few lines in Allibones "Dictionary."

The people of Lebanon retained in my time the traits which Mr. Mason has recorded as belonging to them a half a century before. They were earnest theologians, cherishing the creed of the early fathers of New England, with lives as strict as their doctrine was austere. Owing to the influence of the Trumbull family, which had long been settled there, the standard of cultivation and manners was, I apprehend, somewhat higher than in other towns of the same (40) class in that region. The common conversation of the people had a strong theological flavor; and many a discussion on "fixed fate, free-will, foreknowledge absolute," by me imperfectly understood, have I heard on Mr. Ely's porch, and around his frugal board.

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[a] In this connection, Theophilus Parsons, son of Judge Theophilus Parsons (1750-1813), says that the father of Judge Parsons, Sr., was a preacher in a small place, Byfield, Essex Co., Mass., where he died at 67, in 1783; brought up a family of seven, upon a salary of $280 a year, educated three sons at Harvard, and always maintained a comfortable and hospitable household. (Memoir of Chief Justice Parsons, p. 14.)

The Sabbath, beginning at sunset on Saturday and closing at the same hour on Sunday, was kept with Jewish or Puritan strictness. I remember being reproved one Sunday, just at the close of day, by one of Mr. Ely's daughters for throwing a stone, and reminded that the sun was not set; and that, child as I was, I puzzled myself with the inquiry why an act that was wrong before set of sun was right after it.

Mr. Mason was in his thirtieth year, and had been six years at the bar when he removed to Portsmouth. He had found sufficient professional employment from the start. As he has stated in his autobiography, in the first year after his admission to the bar he had entered two hundred and two suits at the Court of Common Pleas, two hundred and forty-seven in the second, and two hundred and fifty-seven in the third; besides a large number returnable before justices of the peace. Most of these were probably suits for the collection of money, which took care of themselves after being once entered upon the docket. This was the usual course of business in those days, as money was scarce, and debtors were willing to pay a bill of costs for the privilege of postponing payment a term or two.

But during all these years Mr. Mason had been a diligent student of the law. Neither the allurements of pleasure, nor the attractions of society, nor the charms of literature had had power to draw him away from his law books in the hours not devoted to the business of his clients.[a] Thus he was not only familiar with the practice of the law, but he had laid up a good stock of sound legal learning, all which was at the instant command of a mind at once powerful and ready. He was abundantly able to cope with any of the resident lawyers of Portsmouth and its vicinity; nor had he occasion to shun an encounter with such formidable antagonists as Jeremiah Smith of Exeter, or Samuel Dexter, Theophilus Parsons, (41) and Joseph Story of Massachusetts, each of whom was sometimes retained against him in important cases.

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[a] It seems that Mr. Mason was unlike Daniel Webster, who was a deep reader of general literature, and that the "charm of literature," of which William Wirt speaks of being deprived, never lured Mr. Mason from the dry study of the law. Note Wirt's lament and longing, in the following: "To be buried in law for eight or ten years, without the power of opening a book of taste for a single day! O, horrible! horrible! most horrible! O, for that wealth that would enable me to wander at large through the fields of general literature, as whim or

On the 9th day of November, 1799, Mr. Mason was married to Miss Mary Means,[a] daughter of Col. Robert Means of Amherst, New Hampshire. This proved a union of rare happiness, securing to him what a hard-working lawyer so much needs, the life-long blessing of a happy home. Mrs. Mason was a woman of excellent understanding, of much gentleness of character, and winning manners. As a wife and mother she could not be surpassed. Her husband was nowhere so happy as under his own roof. Often obliged to leave home in obedience to the calls of public or professional duty, he always had an assurance that during his absence his household would be watched over with the most judicious and affectionate care. He was given to hospitality, and Mrs. Mason received and entertained his guests with a simple and graceful welcome which was the natural expression of a kind heart and an amiable temper.

Mr. Mason was fully employed in professional business from the moment of his removal to Portsmouth; and after the elevation to the bench of his friend Jeremiah Smith, he stood confessedly at the head of the bar in New Hampshire, and soon came to wield a power over courts and juries such as no one had had before him, and to which no one has since succeeded.

In 1802 he was appointed Attorney General of the State. It is hardly necessary to add that the duties of the office were discharged

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feeling might direct for days and weeks and months together, and thus to raise, enlighten and refine my mind and heart, until I become a fit inhabitant for those brighter fields of light that lie above us." (From letter to Dabney Carr, Dec. 17, 1810,—Wirt was then 38—1 Kennedy's Life of Wirt, 262.)

[a] Mary Means' marriage to Mr. Mason, when he was thirty-one, gave contrast, as he was 6 feet 6 inches in height, while she was so short that when walking together, she tied a handkerchief around his wrist so that she could reach it. She survived him ten years, dying in 1858. (See Art. by John Chipman Gray, 3 Great American Lawyers, 36.) Mr. Mason used to say of his wife,

by him, during his term of service, with marked ability, and a conscientious regard to the claims alike of justice and humanity. But he doubtless found that the claims of a public trust interfered too much with the demands of a rapidly increasing private practice; for at the end of three or four years he resigned the post, to the great regret of the bench, the bar, and the public.

In 1807 Mr. Webster removed from Boscawen to Portsmouth, and for the next nine years divided with Mr. Mason the leading business of the State. Their acquaintance had begun before Mr. Webster came to Portsmouth. I remember distinctly Mr. Mason's telling me of his first meeting with his eminent friend. The former (42) had been retained in defense of a man of some social position, charged with the offense of passing counterfeit money, if I remember right, or, perhaps, forgery. He was expecting to meet the Attorney General, whose capacity he had measured and knew; but when the case was reached, a young man, unknown to him, rose, and with modest self-possession, asked permission to conduct the prosecution on behalf of the government, in place of the Attorney General, unavoidably absent. This proved to be Mr. Webster, then recently admitted to the bar. "I soon found," continued Mr. Mason, "that I had a more wary and formidable antagonist to deal with than the official representative of the State, and never did Mr. Webster show more judgment and ability in the trial of a case than in this." He did not prevail, however, for Mr. Mason's client was acquitted. But from that moment Mr. Mason watched with interest the progress of his young friend, and was not unprepared for his future efforts and triumphs.

As a general rule, Mr. Mason and Mr. Webster were retained on opposite sides in every important case that arose in the region where they lived; and it is a fact honorable to both of them that this constant antagonism did not prevent their being intimate friends, and this, too, though both were earnest men, and would hit hard

that she was the only witness from whom he could not elicit, by cross-examination, a thing she did not wish to tell. (This anecdote was furnished the reviser of this edition, by Prof. J. M. Crafts, of Boston, a grandson of Mr. Mason. The portraits of Mr. and Mrs. Mason, during their early married life, are from paintings owned by Prof. Crafts, and were reproduced from the same, especially for this work.) Prof. Crafts died in June, 1917.

when the interests of the clients so required. And this fact is honorable to the profession of the law itself, the aim and purpose of which are to present the conflicting claims of men to the reason and conscience of a disinterested arbiter, purged from the blinding and misleading passions of the parties themselves. Mr. Webster has left on record acknowledgments of the intellectual advantage he derived from thus being brought early in life into such close relations with a mind so powerful as Mr. Mason's, and so admirably disciplined by the study and practice of the law.

Mr. Mason was fourteen years older than his friend, and on this account, as well as from the former's commanding position at the bar, the younger man naturally looked up with deference to the (43) elder. And from the intellectual characteristics of the two men, Mr. Mason was fitted to exercise a valuable influence over his younger friend. Mr. Webster had more various power than Mr. Mason, but the latter was his equal, at least, in logical force, and his superior in legal learning. Mr. Mason's whole mind and time were given to the law; not so Mr. Webster's. The difference between them may be stated thus: Mr. Mason was a great lawyer, but Mr. Webster was a great man practicing the law. Nor had the latter Mr. Mason's love of labor and patience in legal research; indeed, Mr. Webster's natural temperament was rather inclined to ease and averse to exertion. It required a strong force to rouse his great powers into full activity.

Thus it was of much service to him to be for so many years constantly opposed to Mr. Mason in professional contests, for it compelled him to work hard, to be ever vigilant, to take nothing for granted, to be always prepared. He once said that dig as deep as one might in the study and preparation of a case, he would find that Mr. Mason had gone deeper still[a]. No one opposed to the latter could afford to be indolent or negligent or superficial, for such course would make shipwreck of his client's cause. Mr. Webster's powers, especially his skill and ability as a lawyer, were greatly strengthened by the robust and athletic training which his struggles with Mr. Mason gave him.

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[a] The testimony of Mr. Webster is everywhere abundant of his indebtedness to Mr. Mason, and his opinion of Mason's superiority to any lawyer he had ever known. He also attributes to Mason the reformation of his grandiloquent style, in his younger days.

From the beginning of his residence in Portsmouth to the date of his removal to Boston in 1832, Mr. Mason's life flowed on in a uniform current, varied only by his four years' service in the Senate of the United States from 1813 to 1817, and an occasional term in the Legislature of New Hampshire. It was a life of arduous and monotonous professional toil, relieved and refreshed by the cordial influence of a happy home, and the exercise of a wide and generous hospitality. The career of a hard-working lawyer leaves little for a biographer to record, and most lawyers are themselves quite willing to forget their professional experiences and struggles as soon as the (44) heat and dust of the fight are over.

Mr. John P. Lord, who was a student in Mr. Mason's office for three years, at a time when it was full of business, has put on record his recollections of his teacher, and of his manner of life, a liberal extract from which may be here appropriately introduced:—[a]

> "I entered the law office of the late Hon. Jeremiah Mason of Portsmouth, N. H., as a pupil, in September, 1805, and continued there until my admission to the bar, in 1808. . . . . His office was overrun with clients, coming to him to write special contracts, conveyances, wills, and all other documents which required the finishing touch of a lawyer, as well as for all sorts of legal advice, to commence and defend suits of law, and for other purposes in the line of his profession. His charges were moderate, even for that day and place, and his office business would have been very lucrative under the circumstances. I think almost with incredulity, upon the office labor he performed, for he never had a clerk, to my knowledge, whom he would trust to do such work. The number of original entries he made at every session of court, was usually more than that of all the other attorneys in Portsmouth and more than three times as many as any other lawyer in the county; and he was employed in the defense of every important suit. During my clerkship, Mr. Mason was found at his office in business hours, morning, afternoon, and evening, unless otherwise prevented. Between his office and house, there was no half-way place for gossip. I know he was

[a] There is nowhere else to be found a more succinct account of Mr. Mason's methods of conducting his office than the one here given by Mr. Lord, who had an abundance of knowledge upon that subject, as the three years in Mr. Mason's office were calculated to give him.

sometimes accosted in the street by certain persons for a legal opinion, gratis, but he used to request them politely to call at his office, and he would hear their case. When he came into his office, mornings, after breakfast, we were careful to have it swept and purified from the smoke of cigars, for young men, even in those days, had bad habits. He used every morning to look over his accounts and books, to see that all charges for the day preceding had been entered. He kept a day-book and ledger, and his only cash-book, to my knowledge, was that with the bank, which he kept in a private place. Mr. Mason usually spent a short time to converse with his students, about their studies, to ask them questions in reference thereto, and to direct them to the proper books and authorities; and at all other times, he was free to converse with them, and occasionally to entertain them with anecdotes about persons and things, of which he had an exhaustless stock. He required us to hunt up authorities, and prepare briefs of special cases. But the office was usually a dull place to all callers, except those who came to see the head of it. It never was a place for outside retailers of news or gossip. Mr. Mason was particular in small things, especially in paying over all moneys collected by him for others. No client had to call the second time for his money. All his private bills were paid at sight. He was never short. It was not his practice to loan money to individuals or to lend his name as surety or indorser. He abhorred the custom, then familiar with attorneys, to advance money on notes, accounts, or personal property lodged as collateral security, deeming it disreputable to the profession, for a lawyer to act as (45) broker or banker. Mr. Mason magnified his position by exerting all his influence to prevent petty litigation, or commencement of suits upon mere quibbles, or for the purpose of procrastination, or to gratify personal vindictiveness, or retaliation. He was eminently a peace-maker, and was instrumental in healing many wounds, and in preventing the useless expenditure of money, by a set of litigants, who were in the habit of annoying lawyers, to aid them in schemes of malice or revenge. Disputes, disagreements, and differences of opinion in contracts and insurance, were often settled at that time by arbitration. Mr. Mason was employed in most of such cases which occurred as counsel for one of the parties, and I have known him to be called to distant towns in that capacity. He was eminently successful in this field of professional labor. So much confidence was placed in his skill and ingenuity by referees, that their awards in such cases were complimentary to him, and as far as right and justice availed, Mr. Mason never lost a case. I had occasion to consult him in a case commenced shortly after my admission to the bar, which was submitted to reference. He told me how to proceed, and to manage it myself. But I had not the courage, as it involved a large sum of money. Mr. Mason was called to my aid, and after one of the ablest arguments by the opposing counsel, he put his adversary to shame, and recovered an award in favor of my client, which was deemed a victory, as the issues were doubtful. The sum awarded my client exceeded $3,500, and for that most valuable and successful effort he declined to take a fee, out of friendship to me. The renown of Mr. Mason as a lawyer was earned in open court. This was the field of his glory. He had great power with the Court; for he was respectful, lucid, and always panoplied with a well prepared legal argument. When he addressed the jury of trials, he was felicitous in presenting the strong points of his case, as it were, in a nut-shell, and in hiding out of sight, as much as possible, the strong points of his opponent's case, and commenting with severity upon his weak points. No matter what the case was, he was ready for trial, with his witnesses, his brief, and his authorities at hand. He seemed to have an intuitive knowledge of character, especally jurors, and when he addressed them, adapted his speech to their comprehension, their judgment, and their consciences. He aimed to be brief, clear, and argumentative, and not prosy, florid, and declamatory. His words told. Mr. Mason was learned in criminal law. He was the first Attorney General in the State who comprehended the responsibilities of the office. His predecessors, as I heard, lacked knowledge. There was confusion in that department at his appointment. He purified it. His labors in that office were herculean. The Supreme Court was holden in every county of the State; and his official duties required him to be present at each session of the Court, when the Grand Jury was also in session. His punctuality was proverbial. As the legal adviser and organ of the grand inquest of the county, it was told me that he frowned upon all vexatious combinations to procure indictments, as had been the custom, and in all cases brought before them, counseled the jury of inquest never to agree upon indictments unless the (46) evidence of guilt would lead to conviction by the jury of trial. Hence it was the common remark of the lawyers, that prisoners, under the administration of the Attorney General, had a small chance of escape from the verdict of the jury of trial. It was said the vigilant Attorney for the State never lost a case; that conviction followed indictment, and that punishment was the consequence of guilt.

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CHAPTER III.

Letter to Dr. Appleton. — Politics of New Hampshire. — Mr. Mason chosen United States Senator. — Residence in Washington during the First and Second Sessions of the Thirteenth Congress. — Letters to Mrs. Mason and to Dr. Appleton.

THE Reverend Jesse Appleton, D. D., was an early friend and correspondent of Mr. Mason's. They were connections as well as friends, Mrs. Appleton and Mrs. Mason being sisters. Dr. Appleton was chosen President of Bowdoin College in 1807 and died in 1819, at the age of forty-seven. His death was regarded throughout New England as a heavy blow to the interests of religion, education, and literature. Mr. Mason was warmly attached to him, and had the highest respect for his character and capacity.

Dr. Appleton had probably in his course of instruction had occasion to consider the question of usury and usury laws, and had written to his friend for his views on the subject. Mr. Mason replies in a letter which is the earliest on date of any I find among his papers.

JEREMIAH MASON TO THE REV. JESSE APPLETON, D. D.

PORTSMOUTH, *August* 12, 1811.

DEAR SIR,—I know I ought long ago to have answered your letter of 20 June: not well knowing how to do it is the reason of the delay. I think it probable when you have read this you will be convinced of the sufficiency of the reason.

Theorists have often doubted the policy of laws against usury. The fact, however, that such laws have been adopted by most civilized nations, as well ancient as modern, is of itself strong evidence of their practical utility.

The protection of the poor from oppression (which you mention) (48) is doubtless one, but I think not the principal object of these laws. Such laws have been in use in many countries where the rights of the poor were little respected.

The principal object has been said to be to induce the rich capitalist to use his own stock and be industrious. It is more advantageous to society that the rich capitalist should use his own industry in the employment of his stock, than that he should sit idle and take the benefit of the industry of others. The loan of money therefore at a high rate of interest, which would encourage the capitalist to be idle, has always been discouraged.

A nation has only a limited quantity of capital stock on which to employ the labor of all its citizens; without lands for the husbandman, or materials for the mechanic, there would be no labor. This capital stock, whether consisting in lands or personal chattels, will for obvious reasons be possessed by individuals in very unequal portions. The object to be attained is such a distribution of it as will afford the greatest incitement to productive labor, and thereby give the greatest increase of the capital stock. The increase is the joint product of the stock and the labor bestowed on it. The borrower wants to obtain stock on which he can bestow his labor with profit. The *money* received in the loan is merely the instrument which conveys a right to a certain portion of capital stock. A mechanic who hires money to purchase the materials he wants, finds the money to be only an efficient order for the materials. He might as well hire the materials of the money-lender, if he had them. The rate of interest of money therefore regulates the rate of hire of all other property. A prohibition to take any interest would generally prevent loans. Were benevolence to form the only motive, the fear of loss would prevent, or too much restrict lending. This prohibition, which was taken from the Mosaic code, and adopted in times of monkish superstition in England and most other countries of Europe, is now universally exploded. Under certain circumstances lending is beneficial to both the parties concerned and also to the public. When (49) the capitalist has more stock than he can manage to profit by his own industry, he ought to lend that part which he cannot employ to advantage, and *that part only.* If he lends the whole he must become idle himself.

Idleness in the rich is as detrimental to society as idleness in the poor. When the rich capitalist can by lending his stock obtain as much profit as he can by retaining it, and bestowing his own industry on it, he will lend the whole and become an idle drone living on the industry of others. The man who lives on the interest paid for his loans, is, as it respects the increase of national wealth, a dead tax on society. Hence good policy requires that the rate of interest should be such as will induce the capitalist to lend the surplus only of his stock which he cannot himself employ to profit, and the industrious laborer to hire it and thereby make profit by his labor. A moderate rate of interest will induce the capitalist to lend his surplus, which if retained by him will give no profit. The danger is that the rate of interest, unless restrained by law, will be too high, more especially in poor countries where there is more ability to labor than stock to employ it. If the rate of interest is so high as to take the whole or nearly the whole of the product of the stock hired and labor bestowed on it, there will be no inducement to hire, and the laborer will become indolent. In rich countries there being a superabundance of stock, and consequently less profit from the employment of it, the rate of interest usually is, and ought to be low, and in poor countries it ought to be higher; otherwise there will be no loans.

The laws against usury limit the highest rate of interest for which loans may be made. These doubtless tend to keep down the rate of interest, unless the legal rate is fixed greatly below the market rate. If the difference is very great it will induce the lender to attempt evasions of the law, and to seek indemnity for the risk he runs by the enhanced rate stipulated for. The legal rate ought to be nearly the same with the market rate, or the rate it would fix at if not regulated by law. This market rate must be gathered (50) from the average given by *prudent persons, on good security,* with ordinary prospects of profits. And the law, by fixing this rate, prevents loans on *bad security,* which is commonly injurious to the public as well as to the lender; for if the rate of interest is the same, the good security will be preferred. The persons who are willing to hire at an extravagant rate of interest are sometimes the poor and distressed, but more often the prodigal and the sanguine projector, forming wild projects of gain which are generally injurious to society. If they were permitted to hire at what rate they pleased, they would greatly enhance the market rate, and thus prevent others more prudent from obtaining loans on moderate terms.

The market rate in many countries has often been below the legal rate. In Holland, before the late revolution there, the rate fixed by law was four per cent. Yet loans were effected there on governmental security at two per cent., and on private security at three per cent. In England, where the legal rate was formerly fifteen and afterwards ten per cent., and is now five per cent., loans have been had by Government at three per cent., and by individuals at four per cent. In those countries there was a great abundance of capital.

In some of the United States—New York and South Carolina—the legal rate is seven per cent. Loans have often been made in New York at six per cent. I am inclined to believe that in the large towns of the United States generally, the market rate is not over six per cent. The three per cent. stock of the United States has usually sold for more than sixty per cent. This is our most permanent stock and consequently is best esteemed. Our Government have generally hired what they wanted at six per cent., redeemable at a short period; and I am told they had one loan of the Bank of the United States at five per cent.

In remote and poor parts of the country the market rate is probably above six per cent; but this is owing in a great measure to the insufficiency of the security given. Moneyed men in such parts of (51) the country who are in the habit of lending always complain of their frequent losses.

We have agreed with Dr. Coffin to take the charge of our Academy. I hope and believe it will prove fortunate for us.

Last Sunday Dr. Griffin preached a charity sermon here for the benefit of the Female Asylum. The sermon was very long, and yet by most of the hearers said to be very eloquent.

We expect to see you after your Commencement, in which I hope we shall not be disappointed. I am sincerely yours,

JERE. MASON.

Down to the year 1805, New Hampshire was a Federal State: but in that year, after an exciting contest, the Republican party prevailed, choosing a governor, and carrying every branch of the State government by a majority of nearly four thousand. At the beginning of the year, the Senators in Congress were William Plumer and Simon Olcott; but the latter's term of service expired in March, and Nicholas Gilman, a Republican, was chosen in his place. As he was the first Republican who had represented New Hampshire in either House of Congress, his election was naturally hailed with much triumph by his party.

In August, 1806, five Republican members of Congress were chosen, and a few months later, Nahum Parker, a Republican, was chosen Senator to succeed William Plumer, whose term of service had expired.

In the spring election in 1808 for State officers, the Republican party retained their ascendancy, choosing a Legislature which sustained the policy of President Jefferson, adopting an address to that effect; but in the national election in the autumn, the tide of politics turned, and the Federal party prevailed; choosing five members of Congress, and presidential electors who gave the vote of the State to Charles Cotesworth Pinckney,[a] the unsuccessful rival of Madison in the contest for the presidency.

In the State election of the spring of 1809, the Federal party triumphed, (52) but by a very small majority; but the next year restored the Republican party to power; and Nahum Parker having resigned his seat in the Senate, Charles Cutts, a Republican, was chosen in his place. Of the five members chosen to Congress in the autumn of 1810, four were Republicans.

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[a] Charles Cotesworth Pinckney (1746-1825). American statesman, born at Charleston, S. C. He was educated at Oxford, England, studied for the bar at the Middle Temple, London, and afterward at the Royal Military Academy in Caen, France, returning to practice law in Charleston, in 1769. Became Attorney-General of the Province and was a member of the Provincial Congress, in 1775. Was a brigadier-general in the Revolution; member of the Convention that framed the Federal Constitution; minister with Marshall and Gerry in France, in 1797, and, when Talleyrand demanded $240,000 as a condition before beginning negotiations, uttered those immortal words,—"Millions for defense, but not one cent for tribute." He was candidate for President against Jefferson in 1804, and against Madison in 1808.

Thus it was evident that in New Hampshire parties were pretty equally divided, and neither could afford to be careless or indolent. Each was obliged to select good candidates, and to work hard in their behalf. The result being doubtful, elections were watched with lively interest, and the full strength of each party was brought out. But of wealth, influence, social position, and education the Federal party had a larger share than its rival. The clergy had more power over public opinion then than now, and the clergymen of New Hampshire, as of all New England, were generally Federalists, not only disliking the politics of Jefferson, but hating him personally, on account of his heterodoxy in religion, with all the rancor of theological hatred.

The State election of 1811 was favorable to the Republicans, as was that of 1812; but the latter after a close contest, and by a very small majority.

War against Great Britain was declared in 1812, and this too was the year for the choice of presidential electors. The autumn election for national officers was from these causes contested with peculiar earnestness. Each party put forth all its strength, and after a hot conflict the Federal party prevailed, choosing the electors of president and the members for the Thirteenth Congress. Among these latter was Mr. Webster, who had become widely and favorably known by "The Rockingham Memorial," in opposition to the war, published in August, 1812.[1] [a]

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[a] Webster was but thirty years of age, at this time, had been but seven years at the bar, and a resident of Portsmouth five years, having removed there from Boscawen, in Sept., 1807.

[1] Mr. George Bristow, in his *History of New Hampshire*, published in 1842, with a strong Republican bias, attributes the success of the Federalists in the election after the war had begun, to the fact that so many Republicans were away from home, serving in the army or navy. See Barstow's *History of New Hampshire*, page 363. This may be true in part, but much was also due to the influence of the embargo and non-intercourse acts of the administration of Jefferson and Madison, which bore hard upon the maritime population of New

The spring election of 1813 for State officers was contested with great earnestness, for the Legislature to be chosen would be called upon to elect a United States Senator in the place of Mr. Cutts, whose term of service expired. The Federal party carried the State, and of course a Federal Legislature was chosen, and the election of a Federal Senator was secured.

The first choice of the Legislature fell upon Dr. John Goddard, a merchant of Portsmouth, originally a physician, a man of ability and high character; but having no taste for public life, he declined the honor. This incident curiously illustrates the difference between that time and the present. It is doubtless possible today to find men to whom so brilliant a position as a seat in the United States Senate presents no attractions, but it may be pronounced a moral impossibility that a man should be chosen to the Senate without its previously being known whether he would accept the trust.[1]

The Legislature next made choice of Mr. Mason. He has left nothing on record upon the subject, but we presume that in accepting the trust he acted from a sense of duty, feeling that the office was neither to be sought nor declined. He was no politician, in the ordinary acceptation of the term, and no aspirant for political distinction; but he took a keen interest in public affairs, and was a patriot in the best sense of the word. He was a strong Federalist, alike from conviction and feeling. He had the highest reverence for the character and principles of Washington, and an equal gratitude for the inestimable services he had rendered to the country. His political opinions, though never obtruded, were always expressed, when the occasion required it, with a frankness and fullness which left no doubt in the hearer's mind as to his position and views.

In selecting Mr. Mason, the Legislature of New Hampshire acted wisely. In general ability he had no equal in the State, except Mr.

England, and threw many out of employment. A man can hardly be expected to vote for a party which takes the bread out of his mouth.

[1] Since writing the above I have been told that some at least of those who voted for Dr. Goddard knew that he would not accept, and that his election was a feint to secure that of Mr. Mason. There were political managers and wire pullers in those days as there are now. Dr. Goddard had been a leading Republican, but being an opponent of the war he had joined the Federalists, or at least acted with them.

Webster, who, as before stated, was already a member of the House of Representatives by popular election. Mr. Mason was also from his judgment and prudence peculiarly fitted for public office in times when party spirit ran high, as it did then. There was nothing impassioned in his temperament or fanatical in his understanding. His mind was judicial in its tone, and he had no taste for extreme propositions or extreme measures. His self-control was perfect, and he was not one of those unlucky speakers who say things in haste and repent of them at leisure. There were some Federalists in New England whose vehement opposition to the war carried them beyond the bounds alike of prudence and patriotism, but Mr. Mason was not one of these; nor was his friend Mr. Webster. Their course illustrated the proper functions of an opposition in time of war, under a constitutional government.

The Thirteenth Congress, in conformity with a law passed at the previous session, assembled on the 24th of May, 1813. Mr. Gilman and Mr. Cutts appeared as Senators from New Hampshire, the latter whose term of service had expired on the 4th of March, having been appointed by the Governor of New Hampshire to fill the seat until a choice by the Legislature.

Mr. Mason was elected on the 10th of June, and immediately set out for Washington. Two of his letters to his wife, written on the road, will enable the reader to measure the delays and discomforts of travelling in those days.

JEREMIAH MASON TO MRS. MASON.

HARTFORD, *Sunday Afternoon, June* 13, 1813.

MY DEAR MARY,—I have got on thus far prosperously, though with considerable fatigue. I suppose Mr. Fales told you that at North Hampton, I hired an honest sea-captain to give me his seat in the stage, and to accept for himself a seat with the coachman. We arrived at Boston about ten o'clock. On inquiry at the stage house, respecting the stages which were to start for the South next morning, I could get no information. No stages started from that (55) house for the South. The bar-tender, who was half asleep, told me of three houses—from one of which he said the Southern stage would start the next morning. I tried to make him go and inquire for me, but this he flatly refused. I went myself, and at the first house, after knocking at the door at least five minutes, was told from a window in the third story that I was at the wrong house. I then went a considerable distance to the next house I was directed to, and after a long knocking, got in and was told I might have a seat in the mail stage, if I would be there exactly at four o'clock—that I could have no bed, but might lie on the floor if I pleased. Not liking that, I went back to the first stage house, and there procured a bed about as wide as I am, but not much more than half as long. There were four more in the same small chamber, with a lusty snorer in each. Having bribed the bar-tender to call me before the appointed time, and extended my bed with the addition of a chair I took possession of it a little after two o'clock. I was about getting asleep, when I was called up, and after waiting in the street nearly an hour, got into the stage and arrived at Springfield, a little after one o'clock last night. There I stopped and went to bed. The stage went on and will make no stop till it arrives at New York. This forenoon I came in a chaise from Springfield to this place. Tomorrow morning at four o'clock, I shall set out in a new line of stages which runs from here to Mount Pleasant on the Hudson River thirty miles above New York. From Mount Pleasant I shall go down to New York in a packet-boat. This is better than the usual route, in which I should have to ride all one night, or again leave the stage and get on by a private conveyance. How I shall go on from New York I have not determined, but I think I shall take the steamboat to Brunswick. This much for the beginning of the journey of *honor*. Though somewhat tried, my constitution seems to bear it pretty well. I have as yet experienced no trouble, except what arises from my own petulance, which is somewhat subject to be excited by the unlucky incidents of rapid travelling. . . . Yours affectionately,

JEREMIAH MASON.

JEREMIAH MASON TO MRS. MASON.

Baltimore[a], *Saturday, 19th June,* 1813.

My Dear Mary,—I wrote you from Philadelphia on Wednesday evening. The next morning I continued my journey in the mail stage to Havre de Grace, seventy miles, where I left it, and came here yesterday in another stage. The thunder-storm, which was very severe, had no effect in cooling the air, as I expected. The weather since has been more intensely warm than before. The storm was exceedingly violent, and extended forty miles this side Philadelphia. I noticed in the road many large forest trees torn up. I heard of two stages which were out through the storm, full of passengers. One, in the midst of a wood, was in imminent danger from the falling trees, and was detained several hours after the storm was over before the trees could be cleared away, which fell across the road. Last evening there was a very violent gust of wind in this place, nearly equal to that in Philadelphia, but attended with little rain. I hope these storms are not ominous of other storms in the voyage I have set out on; and if storms of another kind do arrive I hope I shall be equally fortunate in avoiding them. I have been considerably oppressed with the heat, and tarry home today to recruit. I now feel pretty well, and do not fear any injury from the heat or fatigue. I am at Gadsby's inn, which seems to be the most extensive and perfect establishment of the kind I have ever seen. On inquiring for a bath I found a most excellent one in the house. It is quite necessary after the violent exercise of travelling in this warm, sultry weather; I have used it twice. I could well enough have gone on to Washington today if it had been in any way necessary. But I thought it best to take a day's rest, which affords me an opportunity of getting a few articles of thin dress which I have wanted. There is, doubtless, much difference in the degree of heat here and at Portsmouth. I eat green peas at New York, where they had been more than a week. At Philadelphia the cherries and strawberries were in perfection; all the way this

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[a] It will be observed that Mr. Mason was six days journeying from Hartford, Conn., to Baltimore, Md.

side of Philadelphia I have seen cherries in great abundance. I shall go on to Washington tomorrow morning in a private carriage, if one can be had on reasonable terms. A Mr. Bowers, a member of the House of Representatives from New York, this forenoon applied to me to take a carriage with him, saying he would find two other persons to join in same. I consented, if he can effect it. It does not much increase the expense, and will prevent being crowded, which is very unpleasant in this weather. The distance is only forty miles. I consider the journey past. I am told they talk at Washington of having a longer session than was expected. I do not believe it will last through July. Mr. Webster has brought forward in the House of Representatives a motion calling on the President for information respecting our relations with France (which you have or will see in the newspapers), on which there has been some warm debating.

I have come on just as I told you I intended, without inquiring for, looking for, or seeing anybody. What is a little singular, except at Newburyport, I have not on my whole journey seen a single person I knew. I have seen several who knew me. I have till yesterday been at no place where I could see anybody. I arrived here just before dinner time, and dined at an ordinary with perhaps sixty or eighty strangers. This afternoon I intend to go out and see the town, of the form of which at present I have a very imperfect idea. At Washington I expect letters from you.

Yours, J. MASON.

He took his seat on the 21st of June. Two days after he thus wrote to his wife:—

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *June* 23, 1813.

I wrote you a few lines the day before yesterday, just after I had taken my seat in the Senate. Though there would seem to be (58) nothing in a person's walking into a room, taking an oath which he has taken half a dozen times before, calculated to disturb or discompose him; yet, I assure you, I felt a little awkward, and when I wrote to you, which was a few minutes after, I scarcely knew what I wrote. I have since received your letter of the 16th instant, inclosing the letters of the children. I am very glad to hear you are all well. You mention having received from the post-office three letters, one from Mr. Wild of Hallowell, one from Mr. Hale. The other you do not mention. Keep the two and inform me of the third, if of any importance. I have got settled in pretty good lodgings, though at too great a distance from the Capitol,—about two miles. The society is good. Mr. Gilman, General Smith of Baltimore, Messrs. Goldsborough of Maryland, Mr. Eppes, etc., also several ladies. We have carriages to carry us to the Capitol when necessary. I should have preferred lodgings nearer the Capitol, if I could have got such as I liked, but could not.

I can form no opinion of the length of the session. It is now said the session will not terminate before the 20th of July. Things here look quite as well as I expected. I am pretty well recovered from the fatigue of my journey. Tell the children I will answer their letters soon. Give my love to them.

Yours in haste, J. Mason.

The United States Senate at that time consisted of thirty-six members, of whom twenty-seven were Republicans and nine were Federalists. Mr. Giles of Virginia was the ablest debator and the leading mind on the Democratic side, but having become disaffected to the administration of Mr. Madison, neither his voice nor his vote was to be depended upon. He spoke and acted, as Harry Wynd fought, for his own hand. Mr. Campbell of Tennessee was the administration leader. Mr. Gore of Massachusetts and Mr. King[b] of New York were the leading members on the Federal side. With both of these distinguished men Mr. Mason formed a close and enduring friendship.

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[a] This was Christopher Gore, the cultured, commercial lawyer, with whom Daniel Webster read law in 1804-5, and who advised young Webster, when offered a $1500 clerkship in his father's N. H. Court, to decline the place, and stick to the law, which he had the good sense to do, though it was a struggle for him to do so. (See 1 Geo. T. Curtis's *Life of Webster*, 69-72.)

[b] Rufus King, whom Mason thought the most able man and the greatest orator he had ever known. Webster relates, that while in Mr. Gore's office, in

The House of Representatives consisted of one hundred and eighty-two members, of whom one hundred and fourteen were Republicans, and sixty-eight were Federalists. The leading Republicans were Mr. Clay of Kentucky and Mr. Calhoun of South Carolina; and conspicuous on the same side were John McLean of Ohio, John Forsyth and George M. Troup of Georgia, Charles J. Ingersoll of Pennsylvania, Felix Grundy of Tennessee, and Langdon Cheves and William Lowndes, of South Carolina.

Mr. Gaston, of North Carolina, Mr. Grosvenor of New York, and Mr. Webster, all new members, soon rose to the place of leaders on the Federal side.

Two of the ablest men in the Twelfth Congress were no longer members. Mr. Quincy of Massachusetts had declined a re-election, and Mr. Randolph of Virginia, whose brilliant and erratic genius had already given him a national reputation, had, on account of his opposition to the war, been defeated by Mr. Eppes, son-in-law of Mr. Jefferson.

Congress remained in session till the second day of August, but Mr. Mason left Washington a day or two before, on leave of absence. In so short a period of service, and belonging to a hopeless minority, he could do little more than look about him, and learn to feel at home in his new position.

Two letters to his wife give us a glimpse of his Washington life:—

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *July* 3, 1813.

MY DEAR MARY,—. . . .You inquire if I attend church. The Church does not in any respect make a conspicuous figure here.

Boston, a gentleman came in, and asked to see Mr. Gore, who was not in. He sat down to wait for him. He was dressed in plain gray clothes. Webster was reading a work on the Law of Nations, which had much to say of ships and freight, etc. The stranger, coming up to the table said: "Well, I read that book, too, when I was a boy" (Mr. King, for this was the stranger's name, was then 50) and says Webster, proceeded to talk not only about "ships and freights," but insurance, prize, and other matters of maritime law, in a manner, "to put me up to all I knew," and a good deal more. (See *Webster's Autobiography*, p. 19.)

I have as yet been here but one Sunday, on which I did not go out. Public worship is held at the capitol; but from what I have seen of the chaplains I presume the preaching is ordinary. I shall go there tomorrow. There is a church in Georgetown where I am told there is a good preacher. Mr. Madison is on the recovery, (60) which will relieve your apprehension of the government devolving on Mr. Gerry.[a] The old gentleman is usually characterized here by the same epithet which you mention I used to bestow on him. The weather continues very warm; it is said, unusually so, for the climate; but I do not perceive it has affected my health in any degree. I am doing here as well as I expected as far as relates to myself personally; that is, I have tolerable lodgings and pretty good company. Have made my first speech in the Senate.[1] It was concise, and no great thing, but seemed to be pretty well received. Without the spirit of prophecy it is impossible to tell when the session will end. I intend to come home by the first part of August.

Virginia is in great alarm with the invasion. No great damage has yet been done. My respects to Mr. Fales and love to yourself and children.

J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *July* 11, 1813.

MY DEAR MARY,—I was invited this morning to go to the Quaker meeting but declined, to afford me an opportunity of performing my promise in my note of yesterday, of writing today. Although I do not seem to have much to do, yet by reason of calls and various interruptions I have not much leisure. I have seen many new faces and new things. As yet I have not derived much instruction or amusement from the view. I have, however, seen people from whom I expect considerable of both. The people in the house where I lodge are of various sorts. Some very fashionable, some both fashionable and well-informed, and some not superlative in anything. Having already tarried here nearly as long as I expected, I begin to wish to set my face homeward. While experiencing the bad attendance of servants and the numerous wants in little matters of accommodation, I cannot help sometimes contrasting my situation here with home. But in another point of view, my situation here will still less bear comparison with that at home. I am here constantly surrounded by people for whom I do not care a biscuit; at home I am in the midst of all those I hold most dear. Here, nothing concerns or interests me; there, everything. I am much inclined to think the glitter of the Southern folks consists more in tinsel than gold. I fear this will apply to their characters in all respects. They make a great show of equipage and servants, while they live in lodgings, and with accommodations, which to us would be absolutely uncomfortable. Their conversation is generally easy and specious, but affords little instruction. I am yet in doubt how I shall like continuing here. Public affairs are certainly very gloomy. This I expected. The prospect of change and amendment is quite as promising as I expected. My situation personally is, on the whole, as good as I could expect. The people whom I most respect seem to be disposed to treat me well enough. Were it not for this ugly absence from all I value, I should probably be pretty well satisfied. I travel home twenty times a day to see what you are about, and always find that much more interesting than anything doing here. Our Senate yesterday, refused to ratify the appointment of a minster to Sweden, which was a favorite measure with the administration.[1] It is considered here, as being the most important point which has been car-

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[1] This speech is not reported, and there is nothing in the printed records of the Senate to show on what subject it was made.

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[a] Elbridge Gerry (1744-1814), at this time 69, was Vice-President under Madison, and held that office when he died. He was born at Marblehead, Mass., graduated at Harvard; was one of the signers of the Declaration of Independence, and a member of the Convention which adopted the Constitution, but re-

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fused to sign on the ground that the rights of the people were not sufficiently protected. (See *Austin's Life of Gerry* (1828-9.).

His family died in penury, Congress having refused to pay the destitute family (he having died in November, 1814, during the session), on the ground that a pension was intended, as they had just appropriated $30,000 to purchase Jefferson's 7,000-volumed library. (See *Schouler's History of U. S.*, Vol. 2, p. 508.)

[1] On the 9th of July the Senate voted, twenty-two yeas to fourteen nays, that it was inexpedient to send a minister to Sweden. Mr. Jonathan Russell had been nominated.

ried against the administration for ten years. It was not expected, and has created considerable sensation. There are other questions of still more importance to be determined. The administration will probably carry their main question, but I trust they will learn to be more cautious and prudent in future. The Federalists, as far as party feelings are concerned, are in better spirits than for several years past. But I hope and trust that the violence of party feelings is subsiding. There is considerable prospect of it in the Senate. . . .

Affectionately yours, J. MASON.

He writes, on public affairs, to his friend Dr. Appleton, like himself, a decided Federalist:—

JEREMIAH MASON TO THE REV. JESSE APPLETON.

WASHINGTON, *July* 20, 1813.

MY DEAR SIR,—Ever since I have been here I have intended to write you. But although I have personally not much of importance to do, yet there have been so many matters to hear and think of that I have had very little leisure. To me most things here are new, and not a few appear strange. I expected to find some dissatisfaction among the old friends of the administration. But I was not prepared to expect the violent jealousies among them which I find. They have no confidence in each other. It is believed here that there exists no confidence among the heads of the departments. The Secretary of State and of War[a] are each some distance down the river, at the head of separate bodies of troops, preparing to oppose the enemy. They are both ambitious of military command, and envious of each other. The influence of the President is much less than I supposed. There seems to be little plan or concert in the management of public affairs. The party in power feel mortified and depressed.

The Senate have in several instances acted with great apparent independence. The refusal to assent to the appointment of Russell minister to Sweden, and of Gallatin[b] as one of the commissioners under the Russian mediation, was the rudest shock the President has ever experienced. It was wholly unexpected. In those cases peculiar reasons operated with several individuals, and induced them to act against the President. I fear similar reasons will not continue to operate in other cases. Gallatin was suspected of ambition. He aspired to the Presidency, and had rivals who wished to impede his way. Some of the old friends of the President acted from other and better motives. They deemed the affairs of Secretary of the Treasury and minister to a foreign court incompatible. (63) The President is highly offended, and there will be some difficulty in forming a new league. If there was more honor or honesty among them the difficulty would be increased. But they have been so long in the habit of making jobbing bargains that I expect some expedient will be hit on to restore their ancient amity.

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[a] James Monroe was Secretary of State, and John Armstrong, of New York, Secretary of War.

I can give you no information respecting the probability of the enemy's coming to this place. They are now about forty miles down the river. Reports respecting their force and probable intention are various. I believe they intend to come here, but they have been so dilatory in their movements that they will not be able to effect their object. The people here have been greatly alarmed.

Congress expect to end the present session in about one week after your Commencement. I hope to see you at Portsmouth. Make my affectionate respects to Mrs. Appleton.

I am sincerely yours, J. MASON.

The second session of the Thirteenth Congress began on the sixth day of December, 1813, and closed on the eighteenth day of April, 1814. Mr. Mason was present in his seat at the opening of the session, and remained in Washington till its close. He was constant in his attendance, and took an active part in the proceedings of the Senate. Not having been a member of that body at the opening of the first session, May 24th, 1813, he was not placed on any of the standing committees, but he served on several specially appointed during the course of the winter. He was chairman of one which reported a bill for the purchase of a library for the use of the Supreme Court, which passed the Senate, but never ripened into a law. He was a member of another which seems to have done a good deal of work, which had under consideration certain questions between the State of Georgia and the Mississippi Territory; and finally reported a bill which became a law, under the title of "An Act providing for the indemnification of certain claimants of public lands in the Mississippi Territory. Approved March 31, 1814."

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[b] Speaking of Albert Gallatin, one of the greatest compliments ever given him, was the sarcastic retort J. J. Ingalls made to a Pennsylvania Senator, who had spoken disparagingly of Kansas. "Mr. President," said Ingalls, "Pennsylvania has produced but two great men: Benjamin Franklin, of Massachusetts, and Albert Gallatin, of Switzerland."

(64)

He served upon a joint committee on the library, and upon a Senate committee to inquire whether the acts of Congress relative to the general promulgation of the laws required any amendment.

As is well known to all who are familiar with the past history of the country, the almost exclusive business of Congress during this session was the providing of men and money for carrying on a war into which the country had been plunged with little of forethought and less of preparation. The party opposed to the war, though weak in numbers, was powerful in ability and influence; but the force of the opposition was not so great a difficulty in carrying on the war as was the cold and languid support of its friends. It was, in truth, a politicians' war, and the popular heart never was for it or in it. That intense public spirit which during our recent civil contest, made all efforts easy and all sacrifices light, was wholly wanting. Federalists and Democrats abused each other with equal virulence, but the energies of both went no farther: the two nerves of war, iron and gold, men and money, were hard to come at. The brilliant successes of our navy had not been enough to counteract the depressing influence of the disasters and misfortunes which had attended our arms on land; and when Congress met in December, 1813, a general feeling of despondency and anxiety hung over the country, and made the task of carrying on the government and keeping up the war one of no small difficulty.

Mr. Mason wrote constantly to his wife, and occasionally to his friend Dr. Appleton; and his letters reveal at once the embarrassments of the administration, and that languid beat of the public pulse which was the chief cause of them.

JEREMIAH MASON TO MRS. MASON.

BOSTON, *November* 23, 1813.

DEAR MARY,—I arrived here last evening. At Newburyport[a] the stage being crowded, the stage proprietors, of their own accord, offered me a horse and chaise, with which I came on here very conveniently. I shall set out early tomorrow morning in the Albany stage. I am told that the roads on the direct road to New York are exceedingly bad, and the roads to Albany pretty good. From the state of the weather, I have no fear that there can be any ice to prevent the steamboats passing down to New York. Should there be any change in the weather, which would make it doubtful whether the steamboats can run, when I get to Connecticut river, I shall change my course and go by Hartford. . . . . This is the first time, my dear Mary, I have ever left you expecting to be long absent. Had I not seen that the contemplation of it affected your spirit more than I wished, I should have more fully explained to you my own unpleasant feelings. Be assured no light consideration would induce me to make the sacrifice. Under all circumstances, I do think it my duty, and it gives me much satisfaction to know this is also your opinion. We must therefore bear the unpleasant separation with fortitude. Do not permit yourself to entertain any painful forebodings.

I am, as always, sincerely and affectionately yours,

J. MASON.

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[a] Newburyport, near the mouth of the Merrimac River, is a port of entry, 33 miles northeast of Boston, a town of 14,949 people in 1910. It was the birthplace of William Lloyd Garrison, and the remains of George Whitfield, the evangelist, lie in the Old South Church. Judge Theophilus Parsons, and Caleb Cushing were born here and spent most of their legal careers in this city.

JEREMIAH MASON TO MRS. MASON.

JERSEY CITY OPPOSITE NEW YORK, *Sunday afternoon, 28th November*, 1813.

MY DEAR MARY,—I arrived at Albany after a fatiguing journey, late on Friday night; the next morning went on board the steamboat, and was brought to New York this morning. Having determined to make no tarry in New York, for fear the weather, which is now temperate, will become inclement, I immediately crossed the ferry to this place, and set out at five o'clock this afternoon for Philadelphia. I go twenty miles in the evening, and arrive at Philadelphia tomorrow evening. My journey from Boston to Albany was tedious, but I think not so much so as it would have been the other way. My passage on the steamboat was rapid, going one hundred and sixty-five miles in twenty-two hours, and attended with no labor or fatigue. The company was numerous and promiscuous, (66) the Secretary of War, General Harrison, and other mighty men of war among them. In the promiscuous crowd was Bishop Hobart, with whom I became somewhat acquainted. I should have liked to have tarried a day or two in New York, but on consideration deemed it best to improve the present moderate weather. From Boston to Albany I had a very pleasant companion, a Mr. Bleecker of Albany. I shall go on to Philadelphia with a Mr. Lovett, an agreeable, well-informed man. At Philadelphia I intend to stop and rest a spell. There I expect to receive a letter from you and hope not to be disappointed. I feel at present as if I should never submit to take many more of these journeys to Washington. However it may consist with my duty and honor, I am certain it will never agree with my feelings or increase my happiness. My thoughts are constantly travelling towards home, and I wish with all my soul I was going with them. I feel constantly anxious about you and the children, although I know no particular cause for my anxiety. Let me often hear from you, and know me ever sincerely yours,

J. MASON.

JEREMIAH MASON TO MRS. MASON.

PHILADELPHIA, *Wednesday*, 1st *December*, 1813.

MY DEAR MARY,—. . . . Yesterday I was not out of my lodgings. Today I dined with Mr. Chauncey, who married the Miss Chester who was said to be so exceedingly beautiful. She has the appearance of a fine woman, but has very bad health, which I presume has made severe inroads; for she, at present, certainly would not pass for a beautiful woman. The dinner was merely a family party, and I tarried but a short time. By the way, I believe I forgot to mention to you that I dined with George Blake the day I tarried in Boston. I met him accidentally, and he urged me very earnestly to a family dinner. I went and found a very large party, consisting of General Cushing, a number of young navy officers, and others, all strangers to me. I did not very highly enjoy the feast; the guests were not congenial, and I left them as soon as I (67) could with decency. Mrs. Blake talked a great deal about you with a very strong emphasis; says she must and will come and see you soon—she thinks by sleighing this winter. I urged her to it and hope she will, as it would at least make a break in what I fear will be your dull monotony of a long winter. I could fill many sheets with the melancholy reflections I have had on this journey, but it would do no good; if they continue, these journeys shall not be often repeated. I still think there were sufficient reasons why I should accept the appointment; if after a fair trial it does not answer my expectations, I will get rid of it and return to my former quiet situation. Should this be the case of which I think there is much probability, I still shall not regret having tried the experiment. It will in that event at least satisfy me of what otherwise I might never have known, that public employment cannot tend to increase my happiness. I have no fear of being able at pleasure to resume my practice,[a] and do as much business as shall sufficiently occupy my time and answer my occasions. I hope the children will continue

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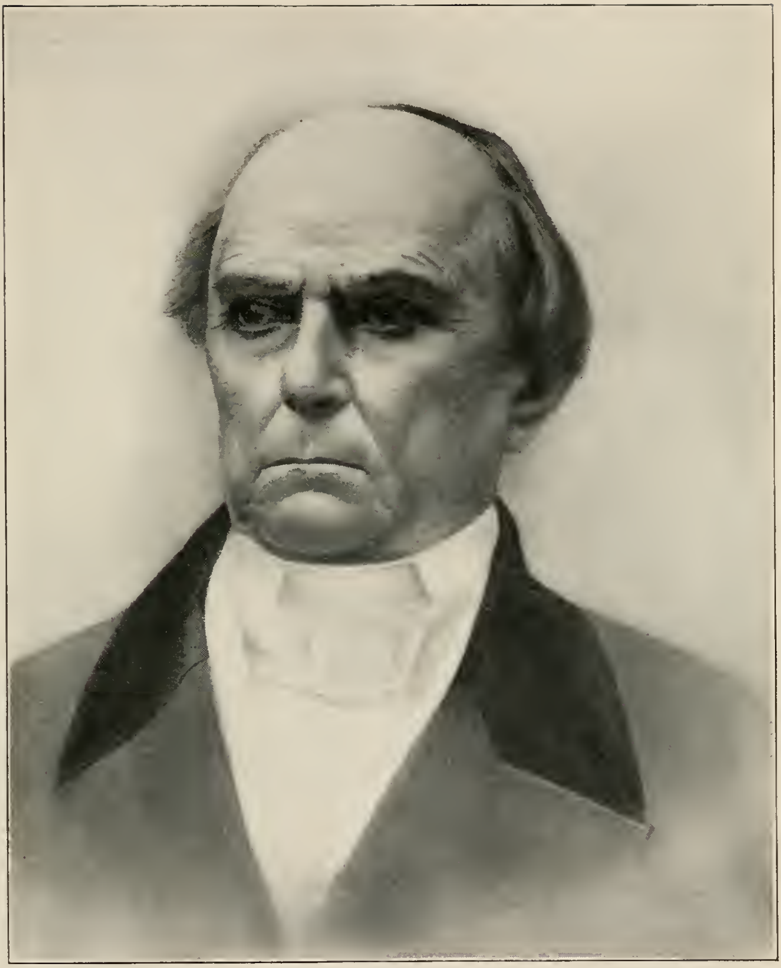
[a] Mason's longing, like that of Rufus Choate, was for the practice of his profession, in which he was at home and a master. Politics were not to the liking of either of these great lawyers.



DANIEL WEBSTER.

From the celebrated daguerreotype by Hawes, of Boston, Mass., taken from life, in 1848, four years before Mr. Webster's death. No other portrait makes so prominent the dome-like forehead, the beetling brows, the cavernous eyes, the high cheek bones, and the mastiff mouth, — the marked features of him whom the late Sir Charles Russell pronounced "perhaps the greatest figure the world has seen."

to do well. Tell them any evil report of them would give me exceeding pain.

I remain sincerely yours, J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *Sunday*, 5*th December*, 1813.

MY DEAR MARY,—I arrived here last evening from Baltimore. On the whole, my journey has been very tiresome, but by taking it moderately and stopping two or three times by the way to rest, I have got through without any injury to my health. I have been much more fatigued than I intended or expected to have been. Travelling in the stage wagons such a distance is almost intolerable. They are vastly more inconvenient this way, than at Portsmouth and Boston. I am at O'Neal's, my old lodgings. The chamber I engaged was not prepared for me, as I had expected. I am told I shall still have it. I think it probable I shall tarry here, but am (68) not fully determined on it. I find no letters from you, for which I am sorry, as I am anxious to hear from you. I think it probable the mail has been delayed by the badness of the travelling. I hope for letters tomorrow. Things here at present appear very dull. I am told that the members are crowding in, and that the *city*[a] will be full in a few days. The prospect before me is not very promising. I fear the winter will be long and tedious to me. I intend to engage as soon as I can in study and reading, and perhaps a little in the business of the Senate. I really fear that I shall not be able to find employment tolerably interesting to occupy my time. All the hours I used to devote to domestic duties and pleasures are to be otherwise disposed of. I shall often think of you, my dear Mary, and our children, around the parlor fireside. May the Author of good protect you and them, and grant that we may again meet in health and happiness.

Affectionately yours, J. MASON.

[a] "the *city*," refers to Washington, whose population in July 1, 1813, was but 9,677.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *December* 12, 1813.

MY DEAR MARY,—I have become a little acquainted with Madame Bonaparte,[b] who has a house in the neighborhood of my lodgings. She invited me to come and see her as often as I please. I think it probable I shall avail myself of her invitation. She appears to be very lively and facetious, accomplished of course, and I think very handsome. Yesterday I dined at the President's. The party was mixed, and composed mostly of strangers to me. There appeared the affectation of ease without the reality. There was more state than elegance, and more elegance than good cheer. The President at his own table appears to little advantage. Mrs. Madison[c] appears, I think, to more advantage, yet she by no means answers my ideas of a high-bred, courtly woman. She affects affability and good-humor, and is said to be pretty generally popular. From appearances I do not wish to expect much from the palace. (69) The appearance of political affairs is less promising than I had hoped. There is no prospect of speedy peace, and not much chance of successful warfare.

Sincerely yours, J. MASON.

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[b] Josephine, Marie Rose (1763-1814), wife of Napoleon I, and Empress of France, was born in Martinique, her maiden name being Tascher de la Pagerie. She first married Vicomte Alexandre Beauharnais (1779), who was guillotined during the reign of terror, then Bonaparte (1796). She exercised a profound influence over the emperor. Her union with Napoleon proving without issue, was dissolved in 1809, to enable him to marry Marie Louise, of Austria. Josephine died at Malmaison, which is a chateau, on the banks of the Seine, five miles west of Paris, France. It was purchased by her in 1789. After her divorce from Napoleon, she lived and died there.

[c] Mrs. Madison,—"Dolly Madison"—born in 1772, was the rich and beautiful young widow of John Todd, of Philadelphia. Her husband was taken off by the epidemic of yellow fever, in his home city, in 1793,—three years after their marriage. In less than a year after his demise, at the age of twenty-two, she married James Madison, in 1794, a confirmed old bachelor of forty-three. She presided over the White House, under Jefferson eight years, and eight years as the wife of Madison.

JEREMIAH MASON TO THE REV. JESSE APPLETON, D. D.

WASHINGTON, *December* 21, 1813.

MY DEAR SIR,—After a fatiguing journey, I arrived here at the opening of Congress. I am glad that I came on the first of the session, as business of much importance has been acted on. An Embargo Act, containing the provisions of the former acts with additions and alterations has passed. The vote in the Senate was twenty against fourteen. I inclose you the President's confidential message now made public, by which you will perceive that a prohibition of importations to a great extent is intended. This measure has excited much sensibility here, as I expect it will in the Northern and Eastern States. I gave it all the opposition in my power. All the Federalists of course voted against it, but perhaps some of them find consolation in the belief that it will tend to destroy an administration which, if continued, they fear will destroy the country. Important results are certainly to be expected from this violent measure. I wish it was equally certain those results would be favorable to the true interests of the country. Such expectations in similar cases have been so often disappointed, that I cannot readily give in to them. The merchants on whom these restrictions will in the first instance operate the most grievously, are of all classes of society the least apt to make a manly opposition. They have never acted with any concert, and have always in the end quietly submitted. Gain is their great object. They will never enter into a contest with the Government in which no money can be made. Last year they very valiantly determined to have nothing to do with the government loans. The event has shown that, with few exceptions, they were unable to resist the prospect of (70) profit. If this act should be rigidly enacted, and continued long enough in operation to bear with its full weight on the yeomanry of the country (as in time it must), an opposition may be expected which will put down the administration. This act has not been carried through the Senate by the personal influence of the President. He has not much influence. The administration party support him to gratify themselves, not him. The clamor excited among the people of the Southern and Western States effected it. Messrs. Giles, Stone, and Anderson, who voted against the act last summer, fearing they should not be able to stem the torrent, now voted for it. Mr. Giles frankly avowed this motive. He and others say they expect much evil from it and no good except convincing the people the attempt is idle, a most humiliating confession. Giles and Stone have gone home under pretense of private business, but I suppose for the real purpose of *taking care of* the Legislatures of their respective States now in session. This is certainly a very humble employment for a proud man of high talents as Mr. Giles confessedly is.

The apparently submissive acquiescence of the Senate to this measure for the pitiful reasons assigned, must doubtless tend to degrade that body in the public estimation. It must not, however, be herein inferred that we are in future to act in entire submission to the executive will. Although our malcontent allies have failed us in this instance, they have not gone back to their ancient allegiance. The Senate contains some truly great men, and *some others*. Nearly all the talents are against the present course of public measures. I trust this will in the end operate favorably.

Should the administration party immediately press their now important project, they will, I think, carry it. It is most probable they will delay the attempt till they see how the embargo is relished by the people.

The attempt made last winter to authorize the occupation by force of arms of the Floridas, it is expected will be renewed. It is pretended, you know, that a small portion on the western side is (71) included in the purchase of Louisiana. The pretense for the residue is a fear that the English will take it if we do not; and also to prevent the English and Spaniards holding any intercourse with our Southern Indians.

The army is to be arranged on a new plan. Many of the officers are to be *deranged;* Wilkinson and Hampton, if they survive their present sickness, must follow Dearborn. I do not mean into matrimony, but into disgrace. Harrison, who is now here, is to be brought forward, and if an army can be had, sufficient to conquer Canada, Armstrong will try to obtain the command. A project is to be brought forward to fill the army by a requisition on the militia. The plan is not matured. Some talk of an absolute conscription, others would admit of a fine in lieu of personal service. Something of the latter sort may be expected. This plan I think will fail by the refusal of the militia to march out of the limits of the United States.

The Canada War will in all probability progress slowly.

It is whispered that Bonaparte has taken offense at our sending ministers to make peace under the mediation of Russia, and that our minister in France has not been admitted to an audience by the Empress, and further that Serrurier, the French Minister here, has written a very impertinent letter to the administration like Turreau's.[1]

Mr. Madison seems determined to consider Gallatin as legal Secretary of the Treasury, be he absent ever so long.

Many think that office now absolutely vacant. If Gallatin does not soon return, there will be a noise on the subject, but I cannot say what it will end in. Everything must give way to what may (72) affect the next presidential election. This is the mainspring that puts everything into motion.

A silly story is now circulated by the administration people, that Governor Tompkins of New York is to be the candidate for the next Presidency. This is to gull the good Democrats of New York. Tompkins is said to be a good-tempered, inoffensive man of moderate talents. The party cannot yet determine on their man. Any determination would disgust many. It must therefore be postponed as long as it can be.

I am personally as well situated here as I could expect to be, and on pretty good terms with those whose good opinion I think most valuable. I however, feel severely the privation of domestic society and all its comforts and pleasures.

I am glad to learn that Mrs. Appleton continues so well. Please to give my affectionate regards to her.

I intend to write to you often and long. As my letters will be neither very legible nor logical, I will not insist on your reading them, when you have anything better to do. But according to the course here, I wish you to consider them confidential.

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[1] On the fourteenth of June, 1809, a letter was addressed by M. Turreau, the French Minister, to Mr. Robert Smith, then Secretary of State, which was deemed offensive in tone, and subsequently withdrawn. A translation of the letter appeared in the *Federal Republican*, a paper published in Georgetown. See *Niles's Register*, vol. v. p. 37, where the translation, and a history of the letter, may be found. This matter came up before the House of Representatives, in January 1814, upon a resolution asking the President for information. See *Niles's Register*, vol. v. p. 355; *Benton's Abridgment*, vol. v. pp. 125, 157.

I am sincerely yours, J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *Monday Evening*, 20*th December*, 1813.

MY DEAR MARY,— . . . . The newspapers will have informed you before this reaches you that all the old embargo laws have been re-enacted, and that the President has recommended a more rigid enforcement of the non-importation laws against English goods. It has caused much excitement here, as it will through the Northern and Eastern States. The Southern and Western States are said to be clamorous for the measure. This subject was several days before the Senate in secret session, and finally carried as it was expected it would be from the beginning. Three, who voted against it last summer, now voted for it. The measure is violent, and important consequences may be expected. I gave it all the opposition in my power. In the secret session, I made a speech which was well received, and I am told has been a good deal praised.[1] I have been urged to write it out and print it, but think I shall not. You will consider this, as you must everything I write, confidential. It is the more natural for me to write to you confidentially, as we are in Congress dealing much in that way. Personally, I am doing pretty well here. I have the prospect of being on good terms with those of whose good opinion I am ambitious. . . . . Adieu,

J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *December* 25, 1813.

MY DEAR MARY,— . . . . As I intended I am much by myself. I go to the Senate chamber usually about eleven o'clock, sometimes later; if no uncommon business occur, return by three P. M. and dine about four; the evenings I generally spend in my own chamber in reading. This I intend to pursue more uniformly. I am so far from the lodgings of most of the members of Congress, that I am seldom interrupted by their calls in the evening. This I deem fortunate. There are so few people here who have both the ability and inclination to entertain company, that I do not expect to be much interrupted with invitations. I shall not court it nor avoid it. I have had the honor of eating a formal dinner with the President, and have been once at Mrs. Madison's drawing-room. The room was very full of people who wanted to see and be seen; I do not care much about either. I shall be seldom there. I shall eat my Christmas dinner to-day with Messrs. King and Gore, who lodge in Georgetown, about half a mile farther from the Capitol than I am. They are the best people here or anywhere else. A Mr. Livingston of New York, with his wife and family, has taken a part of the (74) house in which I lodge, and live by themselves. Mrs. Livingston is the daughter of the late Chancellor Livingston, who was minister to France. They are very rich, and have a splendid equipage. Mrs. Livingston is an accomplished fine woman. I do not remember whether I have mentioned to you that I have become a little acquainted with Madame Bonaparte; I have seen her several times. To me she is a new character; she has all the quickness and volatility which is said to belong to the French, moves quick and talks fast and thinks little. She laughs much, but says she is unhappy, and I believe her; she has nothing to do but seek amusement. I fear she has nothing to expect which can afford her peace and happiness.[a] Her companion, a Miss Spear (an elderly maiden lady), has a shrewd masculine understanding, has read much and thought more. They are opposites but rivals in nothing. Adieu,

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[1] Mr. Mason's speech on the embargo bill, was made December 16, 1813, and is to be found in *Benton's Abridgment*, vol. v. p. 79. It is a brief discussion of the merits of the bill; simple in language, plain and forcible in statement, and unimpassioned in tone.

J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *December* 29, 1813.

MY DEAR MARY,—I yesterday received your letter of the 22d inst., giving the distressing intelligence of the fire. I most sincerely sympathize with the sufferers; the distress must be extreme. We surely have ample cause for gratitude to Almighty God, that in the three great conflagrations which have surrounded us, we have been spared. The view of the ravage must have been horrible, and your distress great. Mr. Webster has just arrived here and is considerably agitated. He knows Mrs. Webster is with you; I have told him she had best tarry there till his return, and that I was confident it would be both convenient and agreeable to you. I see no inconvenience in it, and know you will do all in your power to render her situation as pleasant as you can. Poor Colonel Walbach is in much distress; I hope you have invited her to take shelter with you. I think with you, that there are none of the sufferers who can have stronger claims on you than Mrs. Webster and Mrs. Walbach. You will of course do whatever is in your power for any and all of (75) them. Some of them must be reduced to great distress and be in need of everything. I wish you to inform me of such particulars relative to our friends, as I probably may not be informed of by the public papers. I hope you have not and will not permit this distressing event to work so much on your feelings as to injure your health.

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[a] Madame Bonaparte was now fifty years old, and died a year later, near Paris, France.

Sincerely yours, J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *Sunday, January* 16, 1814.

MY DEAR MARY,—I have your letters of 7th and 8th instants. I am glad to hear you are all so well and happy in a visit from your father and mother. I will write to your father and send you the newspapers you desire. I write little political intelligence to anybody. In truth, there are few secrets of a political sort to be communicated. Most things known here immediately find their way into newspapers; and I do not like to indulge much in conjectures. It is difficult to form a very satisfactory opinion respecting the probability of peace. I am rather inclined to the opinion that peace will take place, some time next summer or fall. But I am by no means sanguine in this opinion; some things look likely for peace, and some things have the opposite aspect. I dined yesterday at

General Mason's. He claims to belong to the old-fashioned nobility of Virginia. He has a very charming situation on an island, in the river Potomac, near Georgetown. The rage of the day seems to be domestic manufactures. General Mason is a great merino man.[a] The second table-cloth, which was a very fine damask, was of home manufacture, and the thread all spun in the house. Mrs. Mason, who appears and is said to be a very fine woman, is also a notable housewife. This union, contrary to our opinion of them, is said to be common in this part of the country. The prospect at present is, that the session will not end early in the spring. I shall be anxious to have it terminate as soon as the travelling becomes good. I (76) want much to be at home, out of this turmoil. The weather here has been unusually cold. The snow has been half a foot deep a fortnight. Last night a rain carried off the most of it, and the weather, which is now mild, will, I hope, soon finish the rest.

Affectionately yours, etc., J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *January* 23, 1814.

MY DEAR MARY,—. . . . You say some of my letters are short, and you want me to write you some politics. I doubt whether the subject would be entertaining to you. I have such subjects so constantly dinned in my ears, that I am almost tired with them. On the prospect of peace, about which there is such public interest excited, it is not easy to form a very satisfactory opinion. The defeat of the French, and ill-success of our army on the Canada frontier, have greatly depressed the expectations of our government. At the present moment they doubtless wish for peace. But any trivial change of fortune or increase of their popularity, would change their wishes. The two governments have adopted such opposite principles respecting the right of impressing seamen, that it will be found no easy task to make peace. I have been at church today, and heard a Mr. Mead preach who is much celebrated here. He is a young man, very simple and unaffected in his manner, earnest and impressive, with no show of learning, very zealous, and I think a little Methodistical. I was, on the whole, a good deal pleased with him. The most of the preachers here are very ordinary. I live a very regular and somewhat monotonous life, amid all the noise and bustle of this place. My evenings I spend mostly in my chamber attending sometimes to business and sometimes to reading. I am tolerably supplied with books. I have been two or three times to Mrs. Madison's drawing-room, which I believe will answer for the winter. I think I mentioned to you I had made an (77) acquaintance with Madame Bonaparte, and her companion, Miss Spear, and think it probable, added, that I intended to pursue it. That was my intention. Her house is near my lodgings. She gave me an apparently very frank invitation to come and see her often, etc. I have sipped her tea several times, and have generally found her surrounded by fashionable old and young men. She and her visitors are made up mostly of fashion. The conversation is, of course, of that tinsel kind, which is not even very interesting or instructing, and will not wear long. I am about concluding that I shall not derive much benefit from it, and do not intend to have much more to do with it. Messrs. King and Gore and their wives are the best people I have found here. I see them pretty frequently, and the more I see of them the better I like them. Mr. King is a very great man;[a] Mr. Gore great enough. The women both have bad health, and not disposed to be much in company. I begin to think of the end of the session, for I cannot express how ardently I wish to be with you. As yet no opinion can be formed when it will end, but I shall be very impatient as soon as the roads are settled in the spring. Adieu, J. MASON.

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[a] Webster had 700 choice sheep on his Marshfield, Mass., farm and Clay had 50 Merino sheep driven over the mountains from Pennsylvania, to "Ashland," his Lexington, Kentucky farm.

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[a] "Mr. King is a remarkably well informed man, a very judicious one, a man of address, a man of fortune and economy, whose situation affords just ground of confidence; a man of unimpeachable probity, where he is best known, a firm friend of the Government, a supporter of the measures of the President; a man who cannot but feel that he has strong pretentions to confidence and trust."—Gen. Alexander Hamilton, in letter to Washington to promote Mr. King's appointment as Minister to Great Britain, 1796, to which he was appointed by Washington, and confirmed by the Senate.—6 *King's Life and Correspondence*, p. 680.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *January* 29, 1814.

MY DEAR MARY,—I have your letter containing your criticisms on my speech against the embargo law. Whatever I may think respecting your impartiality on this subject, be assured the world does not contain a person whose favorable opinion on this or any other subject, interesting me, I so highly appreciate. That speech when delivered was thought well enough of by those few who heard it, and who were predisposed to think well of it. Like occasional sermons, it was published at the special request of such of the hearers as liked it. Should it attract any notice (about which, although not anxious, I am not entirely indifferent), it will, with the public, experience a similar fate. Such as are disposed to think (78) favorably of its author and objects, may probably incline to receive it favorably, while those otherwise disposed will treat it with contempt. From your letter, I fancy you have rather more sensibility respecting this bantling than I have. I advise you to moderate it. I have no intention of suffering my happiness to depend on popular breath. The foundation is too unstable. Subjects of high importance are almost constantly agitated here, and my mind has become much engrossed by them. Of the objects and intentions of the administration, I think worse than I formerly did. You expressed a wish I should write to you sometimes on political matters, and particularly to give you my opinion respecting the prospects of peace, which you may tell to those who so often inquire of you. The wish is natural and reasonable, and yet I cannot often comply with it. Unless I write with great precision and attention, which I cannot well take the labor of doing, there would be danger of misapprehension which might be inconvenient. With you I have no secrets on this or any other subject, but you must keep them to yourself. You may tell anybody who inquires, that my opinion respecting the probability of peace seems to be very doubtful. This is the real fact. The reasons are many, and would be tedious in detail. I am gratified by knowing the children are doing well. Of all things this is the most important to us. The more I see and reflect, the more highly I estimate the importance of the early education of children. The instances of profligacy which I often see here, may generally be traced to the want of a good moral and religious education in early life. If habits of morality and religion are neglected in early life, they will usually never be acquired, and even if acquired at a later period, they will set but loosely. I know it to be unnecessary for me to impress on you the importance of this subject, but I assure you that from my observation here, it has acquired in my eyes additional importance. Religion is the best if not the only foundation of morality. Without morality a man, whatever be his situation, either high or low, is good for nothing, and a woman worse than nothing. Give my love to the elder children and kiss the little ones (79) for me, and return my respects to Miss Pickering and such other of your friends as have sent me any.

Affectionately yours, J. MASON.

JEREMIAH MASON TO THE REV. JESSE APPLETON, D. D.

WASHINGTON, *January* 29, 1814.

MY DEAR SIR,—I have your letter of the 14th of January, for which I thank you.

When the peace overture (as the administration people call it) was first received and accepted by our government, strong expectations were entertained that the negotiation must end in peace. But after more deliberate reflection, much doubt is expressed of the result.

In their present depressed and disturbed condition the administration party doubtless wish for peace. They would at the present time accept of a peace on any terms which would afford them a good prospect of retaining their power. I am of the opinion they are much more anxious to perpetuate their own power than to secure the nation from disgrace, distress, or even ruin. This ought not to be believed of all of them, but I do believe it justly applies to a majority of them.

The total failure of our and the French arms has alarmed them. Any trifling success of either would change both their feelings and wishes. But even if they should continue to wish for peace, as it is probable they will, it is doubtful whether they can obtain such terms as they will dare accept. After destroying the commerce of the country and incurring an immense debt, they must obtain from Great Britain the *appearance* of some concession, or hazard the loss of their own power.

Of what she calls her commercial rights, Great Britain will in reality concede nothing.

I have seen a letter of recent date from a character of very high standing in England, saying that though desirous of peace the (80) government and people are on this subject united and determined. The same may be inferred from the Prince Regent's speech to Parliament from Lord Castlereagh's dispatch to our government, and from the former negotiations. It is believed Great Britain will at the present time be extremely cautious on this point. She knows all the nations of Europe are jealous of her naval power, and justly fears that when freed from the French tyranny on land, they will endeavor to fix limits to this naval power. She will therefore be cautious how she concedes anything which she claims as a right, through fear that it may induce those nations to press her on other points, and that such concession may in some measure be urged as a precedent. For the same reason there will be a difficulty in obtaining the mere semblance of a concession to enable our government to gull the people. Perhaps some device may be hit on to answer this purpose. On the great point of difference, the right of Great Britain to take her seamen from our merchant vessels, it is supposed by some she will agree to forbear the exercise of the right for a short period (by way of experiment to see what would be the effect) on condition we totally forbear to employ her seamen in the mean time. I think it probable some such expedient may be agreed on. But many believe our government have no intention for peace on any terms; that this negotiation is opened for no other purpose but to obtain loans, fill the army, and gain popularity. The character of the envoys lately appointed, and some other circumstances, tend to support such an opinion.

You express a wish that Mr. King might be the envoy. There was some talk among his friends here of the same kind. But nobody who knew the President and his supporters believed there was the least chance for it. Mr. Bayard, you know, was a federalist of pretty fair character. He is, however, very ambitious, and had a strong desire to visit Europe. Fears are entertained that he and Mr. Madison have a more intimate understanding than the public know of. I do not believe that Mr. Bayard, when he left this country, (81) expected to make a treaty under the Russian mediation. They could have no hopes of managing Mr. King.

If you were not aided by certain theological opinions somewhat unfavorable to human nature, you would find it difficult to conceive the degree of wickedness and total depravity to which our great men here have arrived. They have drunk deeply at the French fountain. Wickedness and corruption constitute the only bond which unites them. They entertain the most violent jealousy and hatred towards each other. I have lately received from a source not to be doubted, a budget of stories and projects which were intended to be put off for great secrets. Some of the particulars were new, but in the result not calculated to work any change of opinion.

The individuals composing the administration and their immediate supporters, are often contriving plans to destroy each other. Fear of destroying themselves restrains them. How long such a bond of union will protect them I cannot say. There has been an intention to turn Armstrong out of office, which would have made a great explosion.

Old General Dearborn was to have been again placed at the head of the army. But I believe A. has bullied them out of it. He intends to run down all the old generals who I really believe are good for nothing. He wants to be at the head of the army himself, but it is very doubtful whether he will succeed. He has more reputation for talents than any man in the administration.

There have been some very animated debates in both houses on the bill increasing the bounty for enlistments. No effect was produced in Congress, and probably will not be anywhere else.

A few days ago I moved a resolution in the Senate declaring the Treasury vacant by reason of Gallatin's absence. It is ordered to be taken into consideration a week from next Monday. There is good prospect of carrying it at this time, but I fear some who it is expected will vote for it will fail us. If carried it will be severely felt by the President.

(82)

The doings of the Massachusetts Legislature excite considerable attention. I fear they will go too far, and that the people will not support them. I think they ought to follow and not lead public opinion. I have not much information on the subject, but I do not believe the people of New England are prepared to support the strong declarations made by your Legislature. Indeed I do not suppose that anything more than mere declaration is intended at the present.[1]

I rejoice that Mrs. Appleton continues so well. Please to make my respects to her, and believe me to be sincerely yours,

J. MASON.

The intention of invading Florida has subsided with the defeat of Bonaparte.

JEREMIAH MASON TO MRS. MASON.

SUNDAY EVENING, *February* 6, 1814.

MY DEAR MARY,—I have not been at church today, but have been pretty much employed in my chamber in examining the merits of certain resolutions I moved a few days ago respecting a vacancy in the Treasury Department, by reason of the absence of Mr. Gallatin. They have excited some attention, and are assigned to be debated tomorrow. I expect the administration party will postpone them and not suffer the debate to be gone into, or the resolutions to be in any way acted on at present. This however is doubtful. There is some prospect we can get a majority in favor of the resolutions in the Senate. If so, the President will be in trouble, and what is better will be obliged to appoint a new Secretary of the Treasury.[2] I believe I should have been better employed at church, (83) but the truth is I cannot well go for want of a seat. There is no place of public worship I like, except the church at Georgetown. I have an invitation into two pews, but when I have gone I generally find them full, and have to turn somebody out, which is unpleasant. The church is not larger than a New England school-house. I dined last week at a Mr. Peters' whose wife was a Miss Custis, granddaughter of Mrs. Washington, with a very pleasant party of Kings, Gores, etc. Mrs. Peters is a fine woman, and reputed sensible.

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[1] The Legislature of Massachusetts, in the winter session of 1814, took very strong ground against the war and the policy of the administration, and more thon once went to the extreme bounds, alike of prudence and patriotism, if not beyond them. Mr. Mason had too much wisdom and too calm a temperament to approve their course. He here is doubtless alluding to the answer of the House of Representatives to the Governor's speech, drawn up by Mr. Otis, and adopted by a large majority, January 21, 1814. See *Columbian Centinel* for January 26, 1814.

At the invitation of Messrs. King and Gore, and to help make up their party, I have been foolish enough to go again to Mrs. Madison's drawing-room. I trust I have now done for this season. I think

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[2] On the 24th day of January, 1814, Mr. Mason submitted the following resolutions:—

"*Resolved*, That the Department of the Treasury is a principal and indispensable office in the Administration of the Government of the United States;

"That the duties of this office are at all times important; that at the present time, when plans of finance are to be devised, taxes to be imposed, loans to be obtained, and large sums of money to be expended and accounted for, these duties have become more arduous; and that the talents, integrity, and diligence of a competent and responsible officer are alone sufficient to discharge them;

"That, by his message of the 7th of June last, the President of the United States informed the Senate that he had commissioned Albert Gallatin, then Secretary of the Department of the Treasury, to proceed to Russia, and there, with others, to negotiate treaties of peace and commerce with Great Britian, and a treaty of commerce with Russia;

"That, pursuant to such commission, Albert Gallatin departed from the United States in the month of May last, and hath ever since been, and still remains, without the limits of the United States;

"That, by reason of the said commissioning, departure, and absence from the United States of the said Albert Gallatin, the office of Secretary of the Treasury became vacant, and is now vacant;

"That such vacancy, in the office of the Secretary of the Treasury, affects the public credit, retards the current service, endangers the general welfare, and ought no longer to exist."

These resolutions came up for consideration on Monday, February 7th, and after a brief discussion between Mr. Mason and Mr. Bibb, of Georgia, were postponed to the succeeding Friday, but on that day Mr. Campbell, of Tennessee, announced his resignation of his seat in the Senate, and was immediately after

less favorably of peace than when I wrote you last about it. . . . .
I am, as always, affectionately yours, J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *February* 10, 1814.

MY DEAR MARY,—I have been gratified with your letter of 31st January. I am glad Miss Marsh is with you. I trust from your account of her you will be pleased with her society. I believe I mentioned to you in one of my letters that I had moved a resolution in relation to the vacancy of the Treasury Department. The object was to compel the President to appoint a new Secretary of the Treasury. When the resolution was called up last Monday, I was prepared, with others, to go into a discussion of some length. One of the administration people moved to postpone it, assigning for reason, that the President would in a day or two nominate a new Secretary of the Treasury. To this I assented. It was considered here as somewhat of a triumph to compel the President to appoint a Secretary, as it is believed contrary to his previous intentions. He has since nominated G. W. Campbell, a Senator from Tennessee, who has been approved by the Senate. He has few of the necessary qualifications for the office.

The Goldsboroughs who I mentioned to you, have come here. The

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nominated and confirmed as Secretary of the Treasury.

The object proposed by the resolutions having been accomplished, Mr. Mason, on the 14th of February, moved the indefinite postponement of his motion, and submitted the following resolution:—

"*Resolved*, That a committee be appointed to inquire in what cases the President of the United States may, consistently with the Constitution, be authorized by law to appoint persons, without the advice and consent of the Senate, to perform the duties of the Secretary of State, of the Secretary of the Treasury, of the Secretary of War, and of the Secretary of the Navy. And also to inquire whether it is necessary or expedient to repeal or amend the act of the 8th of May, 1792, entitled, 'An Act making alterations in the Treasury and War Departments,' and the Act of the 13th of February, 1795, amending the aforesaid act; and that said committee report by bill or otherwise."

Mr. Mason, Mr. Giles, and Mr. King, were appointed the committee on the above resolution, but no report was made by them, and the subject appears to have been dropped.

youngest daughter was lately married. Last evening they went to the Queen's drawing-room. I was much urged to accompany them but declined. It is rather a stupid place to frequent often. I have as much society here as I wish for. Perhaps one reason is that I do not wish for a great deal......Sincerely and affectionately yours,

J. Mason.

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JEREMIAH MASON TO MRS. MASON.

Washington, 13*th February*, 1814.

My dear Mary,—I have received your very excellent letter of 6th inst. I have expressed my wishes to have particular attention paid to the education and morals of the children. But I have no fear that you will omit anything in your power, and I hope that my absence will not be any special inconvenience to them. Be assured, however, my desire to return home is not exceeded by yours to have me return. The weather has been for some time very unpleasant. There has been but one clear, sun-shining day for a fortnight. It is warm but cloudy and wet. My health, however, continues good. Were it not for the deprivation of all domestic society and enjoyment, I should like my situation here pretty well. This loss I feel very grievously. I am in company not a great deal, but as much as I wish to be. I am so far from the Capitol as not to be exposed to very frequent calls and interruptions of Congress people. By this means I have more leisure and better command of my time than I otherwise should have. I dine out not very often. Indeed there is not great danger of it. Invitations are not very pressing. In mixed tea-drinking parties I find not much amusement and still less instruction. I shall have little to do with them. I wish you to tell me what is said of the prospect of success at the approaching election.

Affectionately yours, J. Mason.

JEREMIAH MASON TO MRS. MASON.

Washington, *February* 23, 1814.

My dear Mary,—. . . . My resolutions which you mention answered all the purpose intended. To avoid a discussion, the President, contrary to everybody's expectation, appointed a new Secretary of the Treasury. Our people considered it a triumph. I shall in a few days have the subject up in a new form, which will afford an opportunity to review the President's conduct, and provide against (86) it in future. The new Secretary is good for nothing, but that is not our fault. I perceive by your letters you have an inclination to become a politician. As my taste is inclining that way, I do not dislike being joined by you. I fear the journey may not prove very pleasant. I intend to retain the power of stopping and turning back when tired. When that shall happen, I have no doubt you also will be enough tired of the pursuit to join me in quitting it.

As always, sincerely yours, J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *February* 27, 1814.

MY DEAR MARY,—It is almost a week since I received any letters from you or the children. You must write often. If you do not find time to write long letters, write short letters. I want to hear from you often. Affairs here go on much in the usual style. The government conduct badly, and the opposition complain grievously. I see little prospect of things mending for the better. The government is often perplexed and embarrassed, but they have no intention of changing their course, and will not do it till compelled. I do not see much chance of things getting into a better channel. Mr. Francis Blake, who has been here several days, says he expects his brother George and wife here in a few days. Richard Derby and his celebrated wife arrived here two days ago. Master Richard called on me yesterday. I think it probable I shall see his wife, as I suppose she has come here to show herself. I was invited to spend this evening at Mrs. King and Gore's, where she was to be, but I was detained by engagements at home. I take little interest in the generality of the company I see here. Mr. Granger, the Postmaster-general, has just been turned out of office. It makes considerable noise, but will soon blow over. I believe all the children owe me letters. I hope the dear little souls are well. Give my love to them all.

With sincere affection, yours, J. MASON.

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JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *March* 20, 1814.

MY DEAR MARY,—. . . . I continue to enjoy good health, and except when vexed by the recollection of the situation of public affairs, in pretty good spirits. I entertain very unfavorable opinions of the conduct and characters of the persons in government. With few exceptions their object is personal aggrandizement, which they pursue without much regard to the public good. The means they use to effect their purposes are sometimes mean and base, and wholly unfit for honorable men. Entertaining such opinions of them, you may be sure I court no personal intercourse with them. The little intercourse I have with them is formal and ceremonious. My second invitation to dine at the palace (which is a matter of course) I declined for *indisposition.* Among those who generally support the administration, there certainly are some honest, honorable, and lofty-minded men. They sometimes find themselves embarrassed in supporting the measures of the government. In the opposition may doubtless be found many ambitious men, but with few exceptions I think their objects are honorable, and if attained would prove beneficial to their country. The Mr. Blakes have returned home. I saw but little of them. Ogilvie has been here delivering his orations and recitations some time. I have not yet been to hear him, but intend to. He inquired after you and his Portsmouth friends with apparent interest. I intend to write to the children if I have time. Make my respects to Mr. Fales and Miss Marsh.

I am, truly yours, J. MASON.

P. S.—The news we have of the New Hampshire election is not very gratifying. We suppose it carried by a very slim majority.

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JEREMIAH MASON TO THE REV. JESSE APPLETON, D. D.

WASHINGTON, *March* 27, 1814.

MY DEAR SIR,—I did not intend to have neglected so long to answer your letter. Some engagements and much habitual indolence must be my excuse.

I agree with you in opinion that the Legislature of Massachusetts, in their late measures of opposition, went quite as far as duty or prudence would permit. The situation of the nation is in many respects truly deplorable, and the prospect of a change for the better almost hopeless. I cannot, however, think it prudent to excite among the people an inclination to look to a dissolution of the Union for relief. I do not believe any considerable number have even thought of attempting it. I am confident the people in no section of the Union are prepared to think favorably of such an attempt. I am pretty well informed of the extent of the projects in Massachusetts. They went far enough; but a dissolution of the Union was not intended. All the advice from this place dissuaded from violent measures. It is not easy to point out the means of relieving the country from its present distress; but surely a dissolution of the government should be the last resort. It is a sort of suicide. If effected it would ruin the country. The attempt without success would ruin the party making it. Suppose the present government destroyed, is it certain the Northern and Eastern States could again agree to associate under any form of government? If they did, would they get a better government than the present, or would it not probably be as badly administered. Where is the security of being more free from internal faction and the corrupt influence of wicked demagogues? We should certainly be more exposed to foreign influence, and be in constant danger of collision with the States not associated with us.

Indeed I see no probable way in which a dissolution of the Union would take place without a civil war. Such a war might terminate in the establishment of separate governments, but I think more probably in an arbitrary government over the whole. At present there is in this country little fear of jealousy of the exercise of arbitrary power. The people never having suffered to any considerable degree from such power know not its evil effects. They love the theory of a free government because they have always heard it praised, and they love the practice of it because they have long lived happy under it. They also hate both the principles and practice of an arbitrary government, but they do not fear them. They seem to think there is no possibility of the establishment of an arbitrary government in this country. I cannot help thinking sometimes that this extreme confidence in our supposed safety is dangerous. After witnessing the wonderful revolutions of the governments and conditions of the nations of the world within the last twenty years, brought about also by the consent or culpable apathy of the people, we ought not too readily to believe it impossible that something of a similar nature may happen in our own country.

Our political institutions are new and not very well understood by the people. Our government is weak, and has been for the last thirteen years carried on by courting their prejudices and worst passions. I am not certain that our people are so much more enlightened and virtuous than the rest of mankind, as their demagogues are constantly telling them. We are not without ambitious spirits ready to take advantage of occasions. I do not, however, believe there is any immediate danger of the establishment of an arbitrary government by usurpation. I think the country is not yet prepared for it, but I fear it is preparing. I do not see much chance of the government's getting into better hands. Should that happen, no men in the nation could raise it from its present degraded condition up to the tone and style of Washington.

The government must probably for many years remain in this degraded state, vibrating between life and death. The administration may often pass from one faction to another. Each faction, with intent of securing the continuance of their power, will gratify the (90) worst prejudices of the people, and pursue measures they know to be base and unworthy. Such a course would probably soon end in confusion, out of which might arise a new order of things, were it not that the State governments will be able, as it is hoped, to afford a tolerable degree of security for individual rights.

Serious apprehensions are entertained for the loan of the present year. The government dare not lay new taxes, or even perpetuate the old ones, and pledge them for the redemption of the loan. I think the loan will be obtained, but probably on terms very disadvantageous to the country. A project is just started of creating a National Bank, with a capital of thirty millions to aid the loan.

General Hampton has resigned. Wilkinson will be laid aside. It is probable a court of inquiry is ordered on the subject of his last campaign. Contrary to expectation last fall, Harrison will be kept in Ohio or among the Indians. The young Generals Izard, Brown, McComb, Smith, etc., will be brought forward. Izard will probably have the chief command. I think no Lieutenant-General will be appointed.

The Secretary of War will keep all the operations of the army as much as possible under his own direction. He has the reputation of more talents than any other in the administration.

Till within a few days it was confidently expected Congress would rise the 11th April. It is now doubted. I hope to be at home by the last of April.

You seem to have a good prospect of preaching *quantum sufficit* at Boston elections. I think they are disposed to draw rather heavily on you. My respects to Mrs. Appleton.

I am as always truly yours, J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *April* 7, 1814.

MY DEAR MARY,—I can give you no more certain information respecting the rising of Congress than in my last. The House of (91) Representatives are now employed in repealing the embargo and non-intercourse acts, and on a bill to incorporate a great national bank. Several other projects are on foot which will consume considerable time. The spring is coming forward rapidly. The cherry-trees are in full bloom, and the weather has become mild and pleasant. I wish very ardently to be on my way home. I have become tired of being here, and almost everything and everybody I see here. You may therefore be certain I shall write you as soon as I can.

Give my respects to Mr. Fales and Miss Marsh, and love to the children.

Sincerely yours, J. MASON.

JEREMIAH MASON TO MRS. MASON.

PHILADELPHIA, *April* 22, 1814.

MY DEAR MARY,—I went on board the steamboat, as I wrote you I intended, in the afternoon of Wednesday. It was stormy when we set out, and increased during the night, which was extremely dark. About midnight the boat struck on a sand-bank. It was so dark that nothing could be seen. We supposed ourselves near the western shore. In that situation the boat remained till daylight, when we discovered ourselves to be near the middle of a narrow part of the bay, two or three miles from either shore. Had we known our situation during the night we should have felt somewhat uneasy. The tide set the boat afloat at six o'clock, and without further difficulty we got to Frenchtown at noon. In the afternoon we crossed the isthmus to Newcastle, on the Delaware, and there went on board another steamboat, which brought us here about two o'clock last night. The weather has been very bad, which has made the roads unusually bad. Thus far, however, I have come on without much fatigue, and am entirely well. I intend to set out tomorrow or on Sunday for New York, in a line of stages which goes through Somerset in New Jersey, north of the common route, and is two days in going through. The roads that way are said to be pretty (92) good, a part of the other way almost impassable. The stages are much crowded. In your last letter you mentioned that there was talk at Portsmouth of danger from the enemy. I have since seen a paragraph in the newspapers that a squadron was supposed to have been seen off the Isle of Shoals, and that the vessels had been moved up the river. I hope there is no occasion for the alarm. If an attack should be made, it must be known several hours before the enemy can be in possession of the town. I wish you not to be alarmed by conjectures or idle reports. If, however, a real attack is made (as I have before told you), I wish you immediately to fly into the country. The best road will probably be towards Exeter. Do not delay to remove furniture. Put a few light articles of most value into the horse-cart with yourself and children, and take Mr. Fales or Joshua to conduct you. If Joshua or some of the servants would tarry at the house it would be best. I doubt whether they would. Joshua would probably be called out with the militia. If none would tarry, let them follow you. Shut up the house and secure it as well as you can from thieves, in case the enemy should let it alone. Their principal object will be the destruction of the seventy-four gun ship. I do not expect they would attempt a landing in the town, should they destroy or try to destroy the ship. I wish you, however, not to rely on that;

but if an attack should be made on navy-yard or port, instantly to retire. I do not suppose there is any probability of such an attempt. I still wish you to be prepared how to act in case of such an event, so as not to lose time by indecision. At New York I shall expect a letter from you. Should the alarm continue, I shall hasten home as fast as possible. I shall set out for New York tomorrow, if I can get a seat in the stage without being excessively crowded. I want to tarry in New York a day or two if I can.

Affectionately yours, J. Mason.

The third session of the Thirteenth Congress began on the 19th day of September, 1814, having been summoned by a special proclamation (93) of the President. The events which had taken place since the adjournment in March, were not of a kind to exhilarate the public mind or lessen the task of the administration. On the Niagara frontier, the tarnished honor of American arms had been in some degree restored by the gallantry and good conduct of General Brown and General Scott; but in settling the military account of the summer, the balance was decidedly against us, and the war had gradually passed from an offensive to a defensive kind. The national pride had been deeply wounded by the capture of the *Chesapeake* in June. The eastern coast of Maine was in possession of the enemy, and most of the seaport towns were blockaded by his fleets. In August a British force had marched to Washington, burned the Capitol, the President's house, and some of the other public buildings, and retired. In local and state elections the Democratic party had lost ground, and sullen and ominous clouds of opposition were gathering in the northern heavens. The currency was disordered, the finances were in the greatest confusion, the expenses of the government far outran its income, and in consequence its credit had sunk so low that the poor resource of borrowing, on which it had thus far relied to supply the deficiency, seemed likely to stop. The administration were at their wits' end, and the President's special message at the opening of the session was a pathetic appeal to the country for men and money.

Mr. Mason did not take his seat till the 4th day of October, and he remained in Washington till the 24th day of February, a few days before the close of the session. He was constant in his place in the Senate, and his name appears in several occasional committees. He made an elaborate speech on the Militia Bill, hereinafter noticed. Much of the time of both houses of Congress was given to the question of a bank of the United States, and Mr. Mason, who understood the subjects of banking and the currency, doubtless took part in the Senate discussions on the subject, but the system of reporting was very imperfect in those days, and much of what was said in debate was never set down.

(94) His letters to his wife and his friend Dr. Appleton give us glimpses of the course of public business and of his share in it.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *October* 6, 1814.

MY DEAR MARY,—. . . . The expectation of a removal to Philadelphia gains strength. It will be determined in a few days in the House of Representatives. I still think the issue very doubtful. The discussion has created a most violent excitement among the people of this district and vicinity. The derangement occasioned by the visit of the enemy to this place is much greater than I had supposed. The destruction of the public buildings and papers produces serious inconvenience. The Administration are severely and almost universally condemned for their misconduct on that occasion. They seem to be falling into general contempt. Poor Mrs. Madison, it is said, shows the most sensibility on the subject. In her flight from the enemy, she was not only without assistance or consolation from the inhabitants, but treated with abuse. The President left her to shift for herself. She often heard her husband execrated for his misconduct and pusillanimity. On the night the British occupied the city, she attempted to find refuge in a private room of an inn, about twenty miles distant, which was occupied by a lady who rudely and peremptorily ordered her to depart. The disgraceful and distressing stories told are innumerable.

Sincerely yours, J. MASON.

JEREMIAH MASON TO MRS. MASON.

Washington, *October* 8, 1814.

My dear Mary,—Nothing has yet taken place which is considered in any measure conclusive on the question of removal. Were it not for the excitement and clamor of the inhabitants of this place, I should expect we should remove. As the matter is, I am wholly (95) in doubt as to the final determination. The government is in utter confusion and distress. Without a cabinet, without credit or money, the nation is in a most deplorable condition. Opinions of the prospect of peace are as various as they were with us before I left you. The intention of the government seems to be to lay heavy taxes to restore their credit.

Tell Mary I received her letter and will answer it soon.

Faithfully yours, J. Mason.

JEREMIAH MASON TO MRS. MASON.

Washington, *October* 16, 1814.

My dear Wife,— . . . . The House of Representatives yesterday determined, by a majority of five or six votes, against removing to Philadelphia. I was prepared to expect it. If the war continues, I think the government will be removed from this place within a year from this time. More despatches are expected soon from our Commissioners at Ghent, which will probably give notice that the negotiation is ended. There is a possibility, but little probability, the negotiation may be continued and terminate in peace. Some of the terms proposed by the British envoys are wholly inadmissible. Our government is destitute of everything the exigency of the times requires. The country must probably encounter extreme suffering. I do not believe the enemy thinks of attempting a permanent conquest of any portion of our country. I am glad the alarm and apprehension of the people at Portsmouth has in some measure subsided. I do not, however, from this infer that the real danger is lessened. I wish you to continue in the same preparation for removal till the middle of November. After that time the boisterous weather will afford a defense. I had not much real apprehension of an attack when I left you. It is, however, still possible.

Faithfully and affectionately yours, J. MASON.

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JEREMIAH MASON TO MISS MARY E. MASON.

WASHINGTON, *June* 24, 1813.

MY DEAR MARY,—I am very glad you remembered to write me on Wednesday in the afternoon as I requested you. When I am so far distant from all those I love best, it affords me great pleasure to hear from them often. I therefore request you to continue to write to me at least once a week. As soon as you have learned a little more French you may write to me in French, and I will endeavor to construe your letters. I presume it will take me longer to construe them than it will you to write them. I wish you to perfect yourself in French as fast as possible. I intend to go to studying it when I come home, and I shall want you to assist in instructing me. I want to see you all much. Kiss James, Jane, Robert, and little Charles for me.

Your affectionate father, J. MASON.

JEREMIAH MASON TO MISS MARY E. MASON.

WASHINGTON, *January* 23, 1814.

MY DEAR MARY,—I was pleased by receiving your letter, and more by those from your mother and Mr. Fales in which they praise you. When I am removed so far from you, and am often thinking of you with anxiety, you cannot conceive what pleasure it gives me to be assured you are doing well. I promise myself much pleasure when I come home in the spring, to find you have made much progress in all your studies, and especially in your French and music. I mention these because you may not always have so good instructors in those branches. I wish you to excel in everything praiseworthy. Industry will do all that is necessary in your studies. You must also be accomplished in your manners, amiable in your temper and disposition. Let no envious malignant passions find a place in your breast. If habitually indulged, they will render all accomplishments useless,

and destroy your happiness (97) both in this and a future world. Be
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diligent, virtuous, and truly religious, and you will not only be happy yourself, but greatly conduce to the happiness of all your friends. That you may do so is the earnest prayer of

Your affectionate father, J. MASON.

P. S.—Give my respects to Miss Payson.

JEREMIAH MASON TO MISS MARY E. MASON.

WASHINGTON, *October* 16, 1814.

MY DEAR MARY,—I have received your second letter, and am glad to see you are so willing to write to me. I shall be pleased with your letters, however frequent. Your mother informs me that you and the other children behave exceedingly well. Be assured nothing could give me more pleasure. Could you duly appreciate the satisfaction your good and correct conduct affords me I am confident your affection for me, were there no other reason, would induce you to persevere in it. Children can hardly conceive to what a degree their conduct affects the happiness of their parents. I am certain my happiness in this world will depend in a great measure on my children. It will be my endeavor that they shall not be disappointed in any just and reasonable expectation from me, and I trust none of them will disappoint my hopes.

Your affectionate father, J. MASON.

JEREMIAH MASON TO MISS MARY E. MASON.

WASHINGTON, *October* 20, 1814.

MY DEAR MARY,—You have written me two letters which I have not answered. I ought to have answered them sooner,—particularly the one in which you inform me of your heroic conduct in having those two teeth extracted. I am exceedingly glad that ugly affair is over, and greatly commend you for it. I do not doubt the (98) operation was painful for a few minutes, but the benefit will be permanent. You may learn from this never to give way to idle fears, but always to collect resolution to do whatever your duty requires. A timid person often suffers much unnecessary pain through causeless fears.

You express an apprehension that you shall not arrive to any great perfection in music. I thought you made very considerable progress last summer. I wish you to persevere. With industry, I doubt not you will soon play very well.

I have a letter from your uncle Appleton, in which he says Mary Appleton will spend this winter with you. I am glad of it, as she is a good girl and will be an agreeable companion for you. If she is now there give my love to her.

Your affectionate father, J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *Sunday Evening, October* 30, 1814.

MY DEAR WIFE,—This afternoon I went to Mr. Addison's little church, and heard a very pious, good discourse. His is the most orderly and best place of worship here. I can obtain a good seat without crowding anybody out of it, I intend to go pretty constantly this winter. I have two or three invitations for seats, but they are often filled. The church is very small, and generally full. I yesterday had the high honor of eating a state dinner with their majesties. The President is more despised by his political opponents, and less respected by his friends, than he ever has been heretofore. The misfortune attending all his measures tends to sink him into contempt. I consider him the immediate author of all the misfortune of the country. I wish to see as little as possible of him. Mrs. Madison, it is said, is about establishing her public drawing-room. I think I shall trouble it very little this season. Everything wears a sad aspect. The desolation of last summer makes a deep impression. The winter will be duller than the last. Less company to (99) amuse, and worse prospects to depress us. The political horizon is so dark as almost destroys hope. As yet little has been done, but we shall not long remain inactive. I feel less pleased with my situation here than I have heretofore. I very often turn my thoughts home to you and our dear children. There I see peace, quiet, and happiness. I pray God this source of consolation may remain undisturbed; without it I should be most wretched. My separation from you and exposure to the turmoil and tumult of political life has taught me to appreciate more justly domestic enjoyment. I believe I never rated very highly the pursuits of ambition. Among those who have run this race most successfully, I see few happy or satisfied. Our country affords but slight inducements to engage in it. My inclination for it is certainly not increasing. I wish you to be particularly attentive to your health, and when you write inform me precisely how it is. I intend this evening to write to the children.

Your affectionate husband, J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *November* 2, 1814.

MY DEAR MARY,—I am rejoiced to know by your letter of 26th October, that everything with you is so well, especially that the children conduct in all respects so satisfactorily. One strong objection, among many others, to my being so much absent from home, has always been depriving them of my advice and assistance. I hope this will prove no disadvantage to them. I have no fear but you will perform towards them every duty in your power. I think their proper education one of the chief objects of my life. The more I see and reflect, the more deeply am I impressed with the importance of inculcating early in their minds their moral and religious duties and honorable sentiments. I would not wish their religion to be of a gloomy cast, which often tends to superstition and enthusiasm, nor to consist of unintelligible dogmas, which bewilder the mind, but mild and rational, which may ameliorate their hearts and regulate (100) their conduct. You mention your surprise that Mr. C. Cutts should be chosen Secretary of the Senate. Perhaps your surprise will be increased by my telling you that it was by my vote and those of some of my friends he was chosen. The fact was we were unable to elect the person we wished, and if we did not take Mr. Cutts we should have had a person we liked much less. His brother, Edward Cutts, has to-day been put into the office of Collector of Internal Taxes. He was approved in the Senate by a majority of one only. I was among the non-contents. *This news is for your-*

self. My trunk at O'Neals' of which you inquire, I found safe. My lodgings at Crawford's Inn, in Georgetown, are pretty good. I have a very excellent chamber, consisting of two apartments (for which, by the way, I pay an extra price). There is too much company in the house. The sort of it which I am with is very good, consisting of Messrs. Goldsborough, Gaston, Lewis, of Virginia, Miller, and two or three others. Messrs. King and Gore and their wives, who are the best people here, I see often and with much satisfaction. Madame Bonaparte has disappeared with the French Emperor. Whether she has retired to Elba[a] or Baltimore, I know not. Give my respects to Mr. Fales, and tell him to get of Tappan and Foster the reviews you mention. My love to the children and yourself.

Faithfully yours,

J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *November* 6, 1814.

MY DEAR WIFE,—Day before yesterday two very good letters from George and Mary came to hand. George says you had received no letter from me for six days, and that you were anxious about the cause. I think there must have been some irregularity in the mail, for I am confident I have not omitted to write so long a time. If, however, by any accident I should omit writing longer than usual, you ought not to impute it to any serious cause. Should anything ill happen to me, be assured I should write immediately. I am (101) sometimes more than ordinarily occupied a few days. This, however, never keeps you many hours out of my mind, and I will endeavor it shall never for many days prevent my writing to you. I wish you to write as often as your convenience will permit, and have the children write as often as they are willing. Their letters have become amusing to me. I want to hear from you in some way three or four times a week. A report prevails that the British are again proceeding up the Chesapeake towards Baltimore. I place

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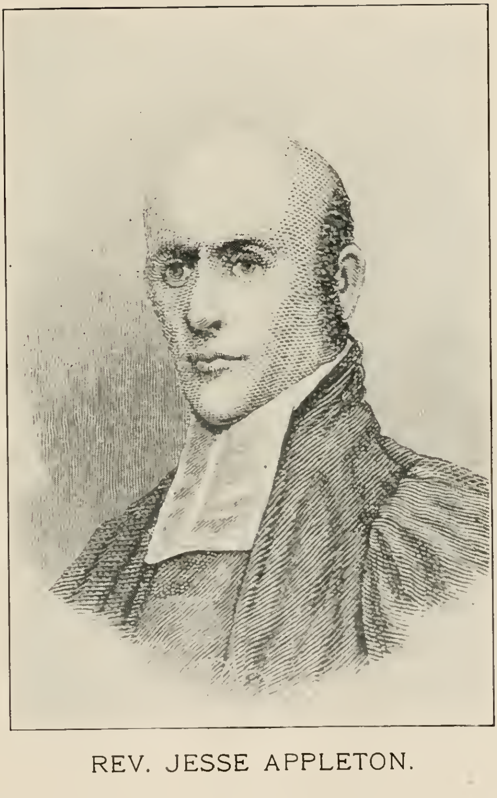
[a] Napoleon was banished to Elba, an island in the Mediterranean Sea, from May 4, 1814, to February, 1815. This island is off the coast of Italy, 5 or 6 miles therefrom; measures 18 miles by 6 miles, area, 86 square miles.



REV. JESSE APPLETON.

little reliance on the report, as similar ones have often proved untrue. Should Baltimore be again attacked, we shall probably go to Philadelphia. Were that the only consequence I should not regret their visit. Congress begins to be seriously engaged in the business of laying taxes, and providing for recruiting the army. The dominant party are very fearful for their popularity on both subjects. Inform me what is said about the Convention at Hartford.

Affectionately yours, J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *November* 12, 1814.

MY DEAR WIFE,—Contrary to my intention, I was the day before yesterday involved in a pretty arduous debate on a bill in relation to the army, which incidentally involved the subject of conscription. I got through I believe tolerably well, in the opinion of my friends. I am now pressed to write off my speech for printing, with which I am rather inclined to think I shall comply.[1] I dislike the labor and have not vanity enough to believe it will do me much credit. I am (102) told, as is usual in all such cases, it will do good to the public. I trust I have patriotism sufficient to overcome my indolence. I am, however, not fully convinced by this argument addressed to my vanity. It is most probable I shall for some reasons, or without any, go on. If that should happen, you will not have the labor or amusement, whichever it may be, of reading it very soon. It will take all my leisure for several days to do my part, and several days more to

[1] The speech to which Mr. Mason here alluded, was delivered in the Senate, Wednesday, November 10, 1814, upon a bill in several sections, to authorize the President of the United States to call upon the several States and territories thereof, for their respective quotas of —— thousand militia, for the defense of the frontiers of the United States, and is reported in the *Annals of Congress* for the Third Session of the Thirteenth Congress, p. 77. It is an able and rather elaborate speech, pointing out with much force the Constitutional objections to the measure, and its dangerous tendencies. After much discussion, and many amendments in both Houses, the bill was finally indefinitely postponed in the Senate. See Hildreth's *History of the United States*, vol. iii. (Second Series), pp. 539-541; Curtis's *Life of Webster*, vol. i. p. 139.

do the printing. So you need not fear seeing it probably within ten days or a fortnight after you receive this. And you must not be disappointed if you do not see it at all. This story is for yourself only. . . . .

Sincerely yours, J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *November* 17, 1814.

MY DEAR WIFE,— . . . . In my last I believe I told you something about a speech I had made and was requested to publish. I have made some progress in writing it out. I am, however, not entirely determined to publish it. If published it will not appear within a week or ten days from this time. In consequence of certain comments made on a few observations I have made, I was obliged to make the speech. I had a pretty large audience, consisting of many of the House of Representatives. The speech by my friends was better received than I had expected. I have not much leisure to write it out, as I must at present attend in the Senate each day. Give my love to the children.

Sincerely yours, J. MASON.

JEREMIAH MASON TO MRS. MASON.

SENATE CHAMBER, *November* 20, 1814.

MY DEAR WIFE, — The same mail which will bring this, will also bring you the speech which I have mentioned. Being desirous of (103) knowing the just merits of this speech aforesaid, and concluding you must be a perfectly impartial judge, I wish for your *candid judgment* on this subject. The speech, when made, was pretty well received. What its fate will be with the public, I know not, I cannot say, care not. The subject is important enough to excite interest. I have no doubt the subject of conscription will undergo, both here and among the people, ample discussion. Mr. Gore has just delivered a very eloquent speech on this subject, in a bill introduced since the one I attempted to discuss. Mr. Giles is now answering it. The children, in their letters received since yours, say nothing about the fever. I hope it does not prevail.

Sincerely yours, etc., J. Mason.

JEREMIAH MASON TO THE REV. JESSE APPLETON, D. D.

Washington, *November* 24, 1814.

My dear Sir,—I intended before this time to have answered your letter of 21st October, but the truth is, that on the subjects you mention, as on most others of a political nature, my mind has been in such a state of doubt that I have not known what to say nor sometimes what to do on subjects where I was obliged to act.

The government in all its departments is in great confusion, and there are alarming indications of approaching dissolution. The immediate cause of the most pressing distress is the deficiency in the Treasury and the almost total loss of public credit. The government are unable to pay the most urgent demands. They can borrow money on no terms but such as would ruin their credit irretrievably. The last loan in September for two and a half millions cost $170 in stock for $100 cash. The nominal terms were $100 stock and $80 cash. But the previous loan for near ten millions was made at $100 for $88 cash, with the condition that if any future loan under same act should be made on terms more favorable to the lenders, that loan should be entitled to same terms. This last loan consequently entitled the first lenders to the difference of eight per (104) cent. on ten millions, which brings the expense of that loan to the rate mentioned. This is sufficient evidence of the miserable condition of public credit.

It is feared the proposed terms cannot be obtained in season to bring relief. The project for a bank of paper stock to issue paper without the means of redeeming it on examination, begins to appear to those who at first were disposed to favor it to be too idle to expect anything permanently good from it. Should it be adopted, of which I have great doubt, the relief, if any, would be short lived. After letting out a flood of paper money, it would probably fail and destroy all possibility of retrieving public credit for a long time.

Our best people here do not think very favorably of the terms proposed by the British to our envoys at Ghent. The claims without modification were, I think, inadmissible, and the manner in which they were urged extremely offensive. The line of the Grenville Treaty of which you inquire begins at the mouth of the Cuyahoga River (entering into Lake Erie), and runs southerly about half way to the Ohio and then westerly to the west line of the State of Ohio, and then again southerly to the Ohio River, and would take away from us about one third of the State of Ohio and all the territories of Michigan, Illinois, and Indiana, and all north of those territories. You may find the treaty in the Appendix to the second volume of the United States Laws. The inhabitants beyond those limits amount to perhaps fifty or sixty thousand. The *sine qua non* now, however, did not fix on this line but left it for discussion.

There is considerable reason to believe the discussions between the envoys did not break off immediately after the dispatches were sent. I think it probable our envoys still remain at Ghent. We have no knowledge that government has heard anything from them since the dispatches which were published. It is probable that the note which they say they were to send to the British envoys contained a long and full statement of our injuries and the supposed impossibility of acceding to the terms proposed, and that this was sent to the British Government, and that the envoys waited for an answer. It is possible the answer may have been such as to justify the continuing the negotiation, and that peace may be the result. This, however, I do not think probable.

If the war goes on the States will be left in a great degree to take care of themselves. What this will end in it is impossible to foresee. This is the cause from which, in my opinion, a dissolution of the Union is to be apprehended. If the people discover the General Government is unable or unwilling to defend them, they will soon withdraw all support from it, and look for relief to their State governments. If compelled to tax themselves to support their militia and State troops, they will not at the same time pay heavy taxes to the United States.

I have no satisfactory information of the views and intentions of the individuals who are to compose the Hartford Convention.[a] I do not expect much from it at present, whatever may be the wishes or intentions of those gentlemen. I expect it will end in a strong declaration of injuries and a recommendation of moderate measures, unless certain army bills now before Congress should create great excitement in New England.

Some of these bills adopt, to a considerable extent, the principle of Colonel Monroe's report, recommending a conscription for the army. It is said the Southern States, especially Virginia, will bear them quietly. I think New England will not. It is not yet certain any of these bills will pass. The Senate have passed two and sent them to the House of Representatives. The first which authorizes enlisting minors, I suppose will be borne with a good deal of grumbling. The other, which directs the classing of the militia for the purpose of making forcible drafts of men to serve for two years, I think will not be borne in New England at all. No forcible resistance, however, will be necessary to defeat it. Without the aid of the State governments it cannot be executed. The House of Representatives have before them a bill of much more obnoxious character.

On the introduction into the Senate of the first of these bills, (106) without intending it at the time, I was reduced to the necessity of entering into an examination of the Secretary's doctrine, which does not apply so much to that bill as to the others. On the report's being mentioned with approbation I condemned it in pretty strong terms. This produced the next day a formal argument in defense of it which obliged me to reply somewhat at large. I sent you by the last mail in a newspaper the substance of my argument. Like an occasional sermon it was published at the request of *some* of the hearers, and as I have heard you say, in your course with them, you are not obliged to read it because it has been sent to you.

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[a] The Hartford Convention was a secret political convention that met at Hartford, Conn., from December 15, 1814, to January 5, 1815, at the suggestion of the Massachusetts Legislature. It was composed of 26 Federal delegates from Massachusetts, Connecticut, Rhode Island, and two counties of New Hampshire, and one from Vermont. The object of the convention was to devise means of security and defense, and safeguarding the rights of the individual states. It was in opposition to Madison's administration, but as peace was declared before the convention adjourned, the amendments recommended by the convention to the National Constitution were abandoned, but it did much to hasten the downfall of the Federalist Party.

Yesterday Gerry died very suddenly. He had travelled from Boston to this place in five days, which was enough to kill a younger and stouter man. During this session he had conducted in his place in the Senate much better than usual. I had last winter a little misunderstanding with him, which by taking some trifling pains I had just got settled and I hope forgotten before he died. His funeral has been attended with all due ceremony to-day. The President is often subject to bad health, and is now sick though not dangerously. This gives considerable importance to this election.

The Federalists and a few others will vote for Mr. King.[1] Two on our side, one from Delaware and one from North Carolina, are absent; were they present I think we might probably elect him. As it is, I do not expect it. To-day the administration party think of choosing Mr. Taylor, of South Carolina. They are not, however, very well agreed. Their chief reason for setting him up is to prevent his voting for Mr. King, which it is said he was inclined to do. I think it probable enough they will change to another. Please to present my affectionate respects to Mrs. Appleton.

I am, sincerely yours, J. MASON.

(107)

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *December* 4, 1814.

MY DEAR WIFE,—......I live a hermit's life here, though not strictly confined to a hermit's fare. I am in company very little. I have few invitations, and those I mostly decline. The truth is, the inhabitants here, with few exceptions, are good for nothing. I am much more engaged in business than I was last winter. The Congress library having been burnt, I have not access to any good library of books. I read, however, considerably. I am in my chamber alone a great portion of the time, when out of the Senate, and often feel solitary. I take less interest in the people here than I did last winter. I suppose the chief reason is that all the novelty is gone. I wish in my soul I could leave them and come home. I very often, when thinking of you and the children, doubt the soundness of the reasons which induced me to come here. I do not think I shall do either myself or the public much good by coming here. I am certain I should be much happier at home. I do not know that my ambitious feelings, of which I suppose I have a portion in common with other folks, have been disappointed. But I do not think the gratification of them by any means sufficient to compensate for the loss of domestic enjoyment. Be sure, my dear Mary, that is the great source of all enjoyment in this world. There everything interests, in other situations too often nothing. I here enjoy the society of some of the best, and I think greatest, men of the nation, who seem to be disposed to treat me with kindness. This is the chief consolation and pleasure of my situation. I have written to your father and little Jane. There is a Mr. Comstock, from the State of New York, in the House of Representatives, who introduced himself to me and told me he was a cousin of yours. He is a sad Democrat, otherwise a pretty decent man. Do you know anything about him? Affectionately yours,

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[1] For the place of President of the Senate vacated by the death of Vice President Gerry.

J. Mason.

(108)

JEREMIAH MASON TO MRS. MASON.

Washington, *December* 11, 1814.

My dear Wife,—The last letter I have of yours is of the 30th November, containing your very *concise* criticism on my speech. As it is as favorable to the author as it is concise, I shall find no fault with it. The subect is, in my opinion, of great importance. As it pleases you, and I hope will not displease the few of my friends who will read it, I may expect to escape without much cause of repentance. The debates are still continued on the same subject in the House of Representatives with vehement animation. Webster, a few days ago, made a very splendid speech on the subject, which will be published. I expect the principle will be adopted, in a small degree, in the House of Representatives. We have had an interesting discussion on a bill to establish a national bank, in which I took a part. Being of the committee which originated the bill, and being opposed to it, I could not well avoid taking a share in the debate, had I been so inclined. Indeed, I felt no inclination to avoid it. If I ever get time to write it, and the newspapers should not be too full of Congress speeches, I may possibly publish it. On that occasion, Mr. King (of the Senate) spoke in his best manner and greatest power. He is the most eloquent man I ever heard.[a] I feel considerably anxious about your health. I wish you to write me exactly how you are. If necessary, I will make arrangements to come home the latter part of the winter. Tell me what you wish on that subject without any reserve. Should the situation of things here be such as to make my tarrying of much importance, I shall not come, unless your health is poorer than usual, under similar circumstances, if you do not especially wish it. Write me frankly your wishes on this subject. I can come if necessary, and if you think it necessary, I will come. There is no use in telling how much I should prefer coming home to staying here. My inclinations alone must not govern. When will your mother come to tarry with you? I received Mary's letter of the 3d December. By her account (109) you had rather a solitary Thanksgiving. I think you had best not live too solitary. I fear you will permit your spirits to become depressed; nothing can be worse for your health. I think there is more danger from depression of spirits than is generally supposed. A cheerful mind is a great protection for health of body. I am also of opinion that our feelings may, by proper pains and management, be kept, in a great degree, under our own control. I think I have that control over my feelings, to a considerable degree, and I am certain they are not of the most manageable sort. . . . . .

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[a] That Mr. Mason put Rufus King at the head of all orators he had ever heard, is high praise, as Mr. Mason was a man of wide experience, and had heard the best speakers in the land.

"To Mr. King, it was assigned to answer Mr. Burr (Aaron Burr), if he should take part in the debate. Otherwise, he was not to speak. Mr. Burr did not rise to address the chair until the president had proceeded half way in putting the question; and then commenced and went through a discourse of considerable ingenuity. When he had finished, Mr. King immediately replied; and is said to have displayed his talents as an orator more powerfully than on any occasion during his whole life. An able judge of eloquence, and one of the first men of our country, represents the exhibition as transcending anything that modern, if not ancient times, ever produced. He says the orator worked himself up into such a frenzy, that he leapt from the floor and that extravagant as this action may now appear, it was no more than 'the action suited to the word.' * * * Of late years it has been observed, that Mr. King has, with the animation of his manner given place to a more calm and dignified moderation."—William Coleman—Sketch of Rufus King, *Delaplaines Repository*, vol. i. p. 184; cited in 1 *Rufus King's Life and Correspondence*, 532.

Affectionately yours, J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *December* 18, 1814.

MY DEAR WIFE,—I have received your letter of 9th December, for which I thank you. You need not fear that the length of your letters will tire me. If my letters, often filled with matters in which you take little interest, are still gratifying to you, what must yours be to me, which are always on subjects of the deepest interest. You cannot well conceive the degree of interest I take in everything happening at home. The stories told in the letters of the children not only amuse but interest me. I become more dissatisfied with my situation here. It is much more disagreeable than it was the last winter. The society and amusements are, perhaps, nearly the same, but I have less to do with them. I am more disgusted with them than I then was. Except a few belonging to Congress, I neither see nor want to see anybody. . . . . The prospect of public affairs is most unpromising, and I see little probability of its altering for the better. This necessarily embitters all my reflections, and destroys most of the pleasures I might otherwise enjoy. I most sincerely wish I was fairly rid of my present situation and restored to quiet and domestic enjoyments. I know not why I have given you the above sad story, which can do you no good. But remember, it is only for yourself. You inquire concerning Mrs. Lear, (110)
whom I have not seen since I came here. Colonel Lear, about three weeks ago, called on me. Two or three days ago I went to return the aforesaid visit in due form, and finding both the Colonel and his lady absent, paid it in pasteboard, which will probably be the amount of our intercourse this season. Should I by chance see Mrs. Lear,

of whom I think very favorably, I will certainly remember your message to her. If I have time I shall write to the children, if not, give my love to them.

Sincerely yours, J. MASON.

P. S.—Tell Mary I will write to her soon. Kiss little Robert and James for me.

JEREMIAH MASON TO MISS MARY E. MASON.

WASHINGTON, *December* 20, 1814.

MY DEAR MARY,—I received your letter dated 11th of December, yesterday. I am pleased with your account of the manner which you and the other children employ your Sundays. By a proper employment of it no day of the week can be so pleasant or so useful. The duties of religion should never be forgotten. The observance of them is as necessary to secure happiness in this world as in the next. True piety tempers and regulates all the minor virtues. It is the best security against violence of passion and irregularity of conduct. It softens the heart and regulates the affections. A man without religion is never to be much relied on. But an impious woman is a dangerous monster always to be shunned and avoided. Infidelity and irreligion are absolutely inconsistent with the delicacy of the female character. If then, my dear daughter, you wish to be respected and esteemed in this world, or happy in a future, cultivate sentiments of piety and religion. Let such sentiments become habitual, and they will be your best protection against misfortune and greatest security for happiness.

Your affectionate father, J. MASON.

(111)

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *December* 22, 1814.

MY DEAR WIFE,—When I last wrote you, I happened to be in a train of sombre reflections, some of which, after I had sent the letter, I recollected I had imparted to you, and was sorry for it. I do not permit myself often to indulge such reflections, and less often impart them to others, as it can do no good. My health is entirely good, and my spirits tolerable. The public concerns are, to be sure, very gloomy, but I do not suppose my being sad would mend them. I do not intend to place on my shoulders unnecessarily any part of the national misfortunes. My own share I will bear as I can, and do what I can to lessen the whole.

Affectionately yours, J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *December* 27, 1814.

MY DEAR WIFE,—I have received today your letter of the 21st, in which you say you had received no letter from me later than the 6th of December. There must have been great delay or irregularity in the mail, for I have never, I think, omitted writing more than three or four days. You mentioned the children have colds. I hope it is nothing more than common colds, which will pass off. I enjoy my health better than usual. I have felt nothing of the rheumatism, nor any other complaint, but the influenza, which was not severe, and lasted but a few days. My employment, though not very pleasant, is quite regular. I am, of course, constantly, or nearly so, in the Senate during its sessions, which are from eleven o'clock in the morning to three or four in the afternoon, and sometimes later, unless when want of business permits an earlier adjournment, which is not often. We dine by candle-light a considerable portion of the time. The evenings and mornings I generally spend in my own (112) chamber. I have not dined out of my own lodgings more than three or four times, so that I am in no danger of injuring my health from that kind of dissipation. I am, however, in no want of company. The mess (as it is here called) with which I dine, consists of eight or ten gentlemen, mostly well informed, pleasant, and agreeable. The manner and style of boarding-house living, I do not much like. If I can I shall come home before the end of the session. Should it be necessary on account of your health, I will come at all events. I wish you therefore (as I have heretofore), to write me how you are, and what your wishes are on this particular. The belief that an attack has been made on New Orleans, creates much apprehension. . . .

Faithfully yours, J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *January* 1, 1815.

MY DEAR MARY,—I wish you a happy New Year. May this and many succeeding years witness our prosperity and happiness. I have purchased some small books for New Year's presents to the children, some in French for George and Mary, which I hope will be useful to them. They are too large for my frank, and I do not know how I shall send them without too much expense. I shall also send one to Jane. I am glad our Amherst friends are with you. I know you will highly enjoy their visit. Should any of them be with you when you receive this, give my best respects to them. The weather here is remarkably fine, and has been so for some time. To-day is like our weather in the latter part of October. I shall go to church in the afternoon. As you took so much interest in the subject of conscription, I suppose it must give you consolation to know that Mr. Giles' principal bill to enforce it, has finally failed in the Senate. I do not think it will be again revived this session. The Mammoth Bank is the subject of chief interest here now. It has been for a long time, and is still held under (113) debate in the House of Representatives. There is a probability it will undergo general changes. If I do not write to the children, give my love to them.

Sincerely yours, J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *January* 15, 1815.

MY DEAR WIFE,—. . . . I want much to set out for home the fore part of the next month. Affairs here are however in such a condition, that I cannot determine on it at this time. Appearances at present indicate that the remainder of the session will be very busy and important. If you are very desirous on account of your own situation, that I should come home, I wish you (as I have before written you) freely to express your wishes. I do not think I ought to sacrifice my own happiness and also that of those most dear to me, to an idea of public duty. I do not expect my presence here will be of much importance. Yet I do not incline to be absent, without a pretty satisfactory excuse, as possibly an occasion might occur where my vote would be material. When will your mother come to tarry with you? Do not have her delay coming for want of a convenient opportunity, but send for her when she will be ready to come. If not convenient for Mr. Fales to go, send our horse and sleigh, or one from the livery stable, with a good coachman. Mr. A. Ladd called on me this morning, and for an hour or two answered all my numerous inquiries about Portsmouth. I did not get much news from him however. Except the business of privateering, the people there are doing little, by his account, and I suppose thinking less. The Bank Bill, which has so long been a standing dish here, has again got into the Senate for discussion, on the amendments proposed by the House of Representatives. I hope we shall in a few days be rid of it in some way, for I am heartily tired of it. I expect it will finally pass pretty much as amended by the House of Representatives, which will still leave it (114) bad enough. No further news is heard from New Orleans. I intend to write to some of the children. To the others give my love.

Most sincerely yours, J. MASON.

P. S.—I send you a speech of Mr. Gore. It is very incorrectly printed.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *January* 29, 1815.

MY DEAR WIFE,—Your letter of the 22d instant gives me much satisfaction. I know you have exerted much resolution in reconciling yourself to the idea of my being absent till after the end of the session. I duly appreciate your conduct in this particular. My being at home on the occasion alluded to might be of no great importance, except the satisfaction I know it would afford me. I expect to have been able by this time to say with certainty whether

I could come or not. I cannot, however, at present well make the determination. I have some faint hopes of being able to set out before the end of the session, without material inconvenience. As I have before told you, this still remains uncertain. The question of the Bank is expected to be brought forward again in a new shape, and some other matters of equal importance. Mr. Webster[a] now intends to set out in about a week. The House of Representatives is so numerous, he says he can go and not be missed. He wants to attend the Superior Court. I doubt whether he will go at that time. If he should I should be most unwilling to tarry behind, but fear I shall be obliged to. Depend upon it I will come if I think it justifiable. My inclinations lead me so strongly to that course, that I almost fear to trust my own judgment to determine. I know if I apply to others they will advise me to stay. I am entirely well, and you need fear nothing on account of the newspaper reports of the sickness in Virginia. As usual, the statement has been exaggerated. The sickness of Alexandria has abated. I doubt whether any cases of that disorder have ever been nearer (115) this place. I had accepted an invitation to dine today at Alexandria with a Mr. Swan. I did not go, but not through any apprehension of the sickness there. The day has been extremely cold, and I thought a ride home this evening would be too dear a price for a dinner. The weather for several days has been colder than is often experienced here. It equals our cold winter weather. The Potomac is frozen so that it is passed on the ice. News has arrived this evening, that the British have been partially defeated at New Orleans. Strong hopes are entertained for the safety of that place. I think, however, the result is still very doubtful. . . . .

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[a] Daniel Webster (1782-1852). Says Dr. John Lord, vol. iv. *Beacon Lights of History*, pp. 449-50:—"In his legal career, when for nearly forty years he discussed almost every issue that can arise between individuals and communities, some half a dozen have become historical, because of the importance of the principles and interests involved. In the Gibbons and Ogden case he assumed the broad ground that the grant of power to regulate commerce was exclusively the right of the general Government. William Wirt, his distinguished antagonist, then in the height of his fame, relied on the coasting license given by the states; but the lucid and luminous arguments of the young lawyer (then 42) astonished the Court, and made old Judge Marshall (then 69) lay down his pen, drop back in his chair, turn his coat cuffs, and stare at the speaker in amazement at his powers. The first great case which gave Webster reputation was that pertaining to Dartmouth College, his *alma mater*, which he loved as Newton loved Cambridge. The College was in the hands of politicians, and

I am most affectionately yours, J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *February* 5, 1815.

MY DEAR WIFE,—By the last mail I received your letter of 29th January, and am gratified with knowing you are well, and that you expect your mother soon to be with you. You can scarcely conceive my ardent desire to leave this disgusting place and return to you. I have for a considerable time entertained a secret hope that about this time I should be able to set out for home. I think it probable that Mr. Webster will set out in the course of this week, but I despair of being able to accompany him. Another vexatious Bank Bill will be introduced into the Senate tomorrow, which will be debated for a considerable time. I expect it will pass in the end, but the votes on that subject in the Senate have on several occasions been so equally balanced, that I dare not absent myself till it is over. And even then several subjects are expected which are deemed of much importance. Those in whom I place most confidence, to whom I have spoken of my intention of going away before the end of the session, decidedly dissuade me from it. This I expected, and of course shall not be greatly influenced by it. But I really fear that I shall be obliged to tarry. I have no doubt, you have entertained expectations of my return, though I have given

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Webster recovered the College from their hands and restored it to the trustees, laying down such broad principles that every literary and benevolent institution in this land will be grateful to him forever. This case, which was argued when he was 36, with consummate ability, and with words as eloquent as they were logical and lucid, melting a cold court into tears, placed Webster in the front rank of lawyers, which he kept until he died. In the Ogden and Saunders case he settled the constitutionality of State bankrupt laws; in that of the U. S. Bank he maintained the right of the citizen of one State to perform any legal act in another; in that which related to the efficiency of Stephen Girard's will, he demonstrated the vital importance of Christianity to the success of free institutions,—so that this very college, which excluded clergymen from being teachers you little encouragement. I feel a strong inclination to be with you on my own account, and a still stronger on yours. If I could have set out at this time. I intended to have seen my friends in Connecticut on my way. But if I am delayed till the end of the session, as I expect to be, I shall come directly home. I fear you will think I do wrong, notwithstanding what you have written, if I omit coming home till the session ends. To the protection of a kind Providence I commit you, with earnest prayers for your safety. The fever at Alexandria has subsided. This place is as healthy as usual. I am entirely well, which you may always know unless I mention the contrary.

Affectionately yours, J. MASON.

JEREMIAH MASON TO MISS MARY E. MASON.

WASHINGTON, *February* 5, 1815.

MY DEAR MARY,—I believe I owe you two or three letters. I have been much engaged for some time, which must be my apology. I look forward with great pleasure to the time I shall come home and see you all. In the midst of company I often feel solitary because I am so far from those I best love. I hope it is wholly unnecessary for me to request you to be particularly attentive to all the wishes of your dear mother. Your own feelings will prompt you to pay her every dutiful attention in your power. A good and affectionate child will always find in the mere performance of these duties a sufficient reward. What can afford you more satisfaction than to know that you contribute to the happiness of a mother who is entitled to and enjoys your warmest affections.

in it, or even visiting it, has since been presided over by laymen of high religious character, like Judge Jones and Doctor Allen. In the Rhode Island case, he proved the right of the State to modify its own institutions of government. In the Knapp murder case, he brought out the power of conscience,—the voice of God to the soul—with such terrible forensic eloquence that he was the admiration of all Christian people. No better sermon was ever preached than this appeal to the conscience of men."

Says Jeremiah Smith (*Morrison's Life of Smith*, 40): "In single qualities I have known men superior to Mr. Webster; Hamilton had more original genius; Ames, greater quickness of imagination; Marshall, Parsons, and Dexter were as

JOHN MARSHALL.

I am pleased by learning you get on so well in your studies. I fear however you are too soon through your geography. It is a very useful study. When I come home I shall examine you and see whether you know everything about all the countries in the world. I expect you will have to resume that study again.

Your affectionate father, J. MASON.

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JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *February* 11, 1815.

MY DEAR WIFE,—News has this moment arrived, that the enemy, soon after their late defeat at New Orleans, re-embarked and have left that part of the country. Their loss is said to be between three and four thousand men, including Generals Packenham, Gibbs, and Kean, badly wounded. Our loss only one hundred and thirty-six. This important event has caused great exultation here, as it will through the United States.

Affectionately yours, J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *February* 14, 1815.

MY DEAR WIFE,—. . . . We have just received the news of a treaty of peace from an arrival at New York. You will have heard of it before you receive this. No official information is yet received, but there is supposed to exist no doubt of the fact. Everybody here is extremely elated with joy. If the terms of the treaty are tolerable, it is a most fortunate event for the country. We expect to receive it tomorrow. If it is ratified, it will give a new turn to all our business here. It will, however, rather increase than lessen

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remarkable for logical strength; but in the union of high intellectual qualities, I have known no man whom I think his equal."

Rufus Choate, before the Suffolk Bar, in Boston, October 28, 1852, at the Memorial Proceedings, added: "Who anywhere, has won, as he had, the double fame, and worn the double wreath of Murray and Chatham, of Dunning and Fox, of Erskine, and Pitt, of William Pinkney and Rufus King, in one blended transcendent superiority?"

the quantity for the small remainder of this session. The business, however, can in no change, be of so unpleasant a nature as it has been. The Bank Bill is postponed in the House of Representatives, to await the event of the truth of this report. I expect Mr. Webster will set out for home in two or three days. I cannot express how ardently I wish to accompany him, but it cannot be. Give my love to the children. With earnest prayers for your safety,

I am Affectionately yours,

J. MASON.

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JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *February* 17, 1815.

MY DEAR WIFE,—I have your letter mentioning that your mother had arrived, and would remain with you. This gives me much satisfaction. Mr. Webster left this place yesterday. It was not possible for me to accompany him. The sudden arrival of the Treaty of Peace has changed everything. The public business, though different, is not perhaps less urgent or important than if war had continued. The Treaty of Peace will be published in a day or two. I entertain some hopes of being able to set out for home one week from this time. This however is uncertain. At all events I shall set out in a fortnight, which will be the end of the session. Continue to direct to me here till the 28th instant. I will write to you where to direct to me on my way home. Give my respects to your mother and to Mr. Fales, and love to the children.

Affectionately yours. J. MASON.

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CHAPTER IV.

Letter from Mr. Gore.—Letter from Mr. King.—Mr. Mason's Congressional Life till the Close of the Fourteenth Congress.—Domestic Correspondence. — Correspondence with Dr. Appleton, Mr. King and Mr. Gore. — Mr. Mason declines the Office of Chief Justice of the Superior Court of New Hampshire.

WHILE at home, after the close of the Thirteeenth Congress, Mr. Mason received a letter from Mr. Gore, and also one from Mr. King, both of which are here given, alike from the intrinsic interest and as showing the friendly relations between these eminent men and their correspondent.

CHRISTOPHER GORE TO JEREMIAH MASON.

Waltham, 16*th August*, 1815.

My dear Sir,—. . . . I have always thought Dallas extremely culpable in the course he has pursued in relation to the payment of the public revenue. If, instead of authorizing its discharge in paper of less value than specie, he had directed that nothing should be received as compensation of the duties but specie or treasury notes, it is almost certain he would have compelled all the banks to have paid specie, or to have seen their paper so disgraced as to become of no value. His treasury notes and the funded stock would in all probability have been nearly at par by this day. I can perceive no honorable and wise motives for taking depreciated paper for duties, and I am yet to learn where he obtained authority to receive less than money for the public revenue except in treasury notes. (120)

I cannot refrain from thinking that notwithstanding all the weak and wicked management of our public stewards the stocks of the United States will appreciate. The revenue will be productive, and I think abundant to the re-establishment of public credit. United States stocks have risen in value, whether owing to any cause that is like to have a permanent influence, I cannot say. Our Boston banks, from all that I learn, will continue to pay specie; they are satisfied that their course has been and is correct, and that eventually they shall derive advantage from having adopted and persisted in their present system. The end of the war, on the continent of Europe, will be attended with a depression of the price of specie in England, and of course that drain for our specie will be stopped. I have therefore thought that temptations to our people to adopt the conduct of the Southern banks, will be diminished, and motives to such of these as are solid to resume the payment of specie be increased; but however they may be influenced as to a return to specie payment, I perceive no reason to doubt that the Boston banks will persevere in their conduct.

I cannot even conjecture what will be Dallas' plan as to a paper bank the next session, but I do flatter myself that under the auspicious circumstances which seem to exist both here and in Europe, we may indulge in expectation that the great mass of the community and a majority of Congress will return to those safe maxims which reestablished the credit of the United States in Washington's administration and preserved it so manifestly to the advantage of the whole and every part of the Union even during the reign of philosophical democracy. Should this be the case, I think we may not only put down the schemes of this mountebank but probably erect a fair and solid institution for the nation which will necessarily crush all these issues of irredeemable paper. Farewell, my dear friend. Instead of ridiculing the brevity, I fear you will complain of the tedious length of my epistles.

Yours faithfully and affectionately,

C. GORE.

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RUFUS KING TO JEREMIAH MASON.

JAMAICA, L. I., *November* 22, 1815.

DEAR SIR,—I last evening received your letter of the 12th. I have some acquaintance with the condition and views of the banks in our city, and though I have no particular information concerning the banks southward of us, my apprehensions are much the same as respects them all. Mr. Burke has remarked, that all men possessing unlimited and discretionary power, tending to their own advantage, abuse it; and we are not to expect a miraculous interposition to alter the laws of nature.

To be sure there has been a commendable moderation, which would have been more considerable, in the administration of our city banks, if they had unitedly rejected the projects of Dallas. In Pennsylvania, Maryland, and the District of Columbia, the banks seem to have imposed no restraints on themselves; their issues have been excessive, and their profits indispose them to resume a better course.

By an agreement between our city banks, they are pledged to each other, and to the public, that their debts should not exceed their respective capitals and sixty per cent. addition; that such of them as owed more than this sum should reduce their debts within that limit, and that the debtor banks should pay to the creditor banks six per cent. interest on their weekly balances. The interest is paid; but I doubt whether the banks, which at their stoppage owed more than the limited ratio, have diminished their debts; and have some reason to believe that the aggregate debt at the foregoing epoch has been increased, though not exceeding five or six per cent. According to a supplemental and late agreement, the debtor banks are severally pledged to reduce their debts to the creditor banks to $400,000 each, before the first of January. To effect this they must sell funded debt, or treasury notes, exceeding a million and a half of dollars; this would depress the stock market and be (122) attended with loss to the sellers, a circumstance sufficient to deter them from doing it.

Some of the banks here desire to return to the old system; others of them do not wish it, even, and I think I risk nothing in expressing an opinion that the paper circulation will be persisted in, if its discontinuance be left to the banks which do not pay their notes in specie. Congress may correct the mischiefs of this state of things by passing laws to establish a bank on the only correct principles, and providing that the revenue shall be receivable only in specie, or the notes of banks which pay their notes in specie. The paper system vanishes. The currency, bad as it is, cannot preserve its present credit; unless the public have satisfactory evidence of the probable resumption of specie payments, it will become worse; and as the States can pass no law protecting the banks against their creditors, the further depreciation of their notes will stop their circulation, suits will be instituted against the banks, one decision had, and the bubble bursts.

Whether Congress will establish a national bank, on the only sure plan, you are as able as I am to determine; if they do not, I am persuaded that the excessive issues of bank notes must put an end to their circulation.

I have no expectation of leaving home for Washington before the 6th or 7th of December. By late accounts from Mr. Gore, I am uncertain whether his health be such as will allow him to undertake the journey.

I should like well enough to be present at the discussion of the commercial convention with England. If those who made it, so far as it is made, are gratified, let it become the law. The currency is, in my opinion, the more important subject that will require our attention and exertion; and we shall be there in time to hear, and to be heard concerning it. With very sincere respect and esteem,

I am, dear sir, your obedient and faithful Rufus King.

I hope you will come on as soon as you can without too great a (123)
sacrifice; Washington without the intercourse of one's friends, few as in that scene they necessarily must be, would be insufferable.

The first session of the Fourteenth Congress began on the 4th day of December, 1815, and closed on the 30th day of April, 1816. In the number of able men it comprised, it has rarely been equalled, and never surpassed in the history of the country. In the Senate, besides Mr. Mason himself, there were his friends, Mr. King, Mr. Gore, and Mr. Daggett. Mr. Campbell, of Tennessee, reappeared in his old place, having resigned his office of Secretary of the Treasury. Besides these, there were James Barbour, of Virginia, Harper, of Maryland, and Macon, of North Carolina.

Conspicuous among the members of the House was William

Pinkney, of Maryland, a man of really great powers, in spite of the vanity and affectation with which greatness is not usually attended. Mr. Randolph appeared anew from Virginia, having defeated Mr. Eppes by a small vote, after a hard contest. Mr. Webster came again from New Hampshire, Mr. Clay from Kentucky, and Mr. Calhoun and Mr. Lowndes from South Carolina. Among other men who made their mark, and are remembered in the history of the country, were Mr. Forsyth and Mr. Wilde, of Georgia, Mr. McLean and General Harrison, of Ohio, Mr. Tyler, of Virginia, Mr. Timothy Pickering, of Massachusetts, Mr. Sergeant and Mr. Hopkinson, of Pennsylvania, Mr. Hanson, of Maryland, and Mr. Gaston, of North Carolina.

The Federalists had gained since the date of the previous Congress, the Senate standing twenty-two Democrats to fourteen Federalists, and the House a hundred and seventeen Democrats to sixty-five Federalists.

Mr. Mason did not take his seat till the 8th day of January, 1816. His brethren showed their estimate of his abilities by placing him upon the most important of their committees, — that upon finance and a uniform national currency; of which Mr. Campbell, the administration leader in the Senate, was chairman. The other members (124) were Mr. Chase, of Vermont, Mr. Bibbs, of Georgia, and Mr. King, of New York. Mr. Mason was also put upon a committee on providing for the publication of the decisions of the Supreme Court, which reported a bill which was passed by the Senate, but was indefinitely postponed in the House.

The kindred subjects of finance and the currency engrossed most of the time of both Houses during the first session of the Fourteenth Congress. The government had a difficult task before it: it was to reform the currency, to repair the waste of the war, and provide the means of paying at once the interest on the national debt, and ultimately discharging the principal; and to this task it addressed itself with energy, ability, and, all things considered, very fair success.

Early in the session Mr. Calhoun introduced into the House of Representatives a bill to incorporate the subscribers to a Bank of the United States. At that time most of the leading statesmen of the country were agreed as to the expediency and constitutionality of such a measure, but there was much difference of opinion as to the details, a difference arising to some extent from the disordered state of the currency. Everywhere except in New England, the banks had ceased to redeem their notes in specie, and thus the country was suffering under the evils of an irredeemable paper currency.

When the bill came up from the House, Mr. Mason proposed to amend it by striking out five dollars, the proportion of specie to be paid in at the time of subscription, and inserting ten, and made a short speech in support of his motion, but after some discussion withdrew it, having doubtless ascertained that it could not pass.

He also proposed the following proviso to be added to the twelfth rule for the government of the bank: "That all bills or notes so to be issued by said corporation shall be made payable on demand, other than bills or notes for the payment of a sum not less than dollars each, and payable to the order of some person or persons, which bills or notes it shall be lawful for said corporation (125) to make payable at any time not exceeding days from the date thereof." After some discussion the amendment was adopted, and the blanks were filled with a hundred dollars and sixty days.

Having the strongest dislike of a paper bank, and desirous to impose upon the new institution, by the strongest sanctions, the obligation to redeem its notes in specie, he proposed a further amendment, giving to Congress the power to repeal the act of incorporation if payment of its notes in gold or silver should be refused for such length of time as Congress might deem injurious to the United States; but the amendment was rejected by a vote of seventeen to fourteen.

Upon the final passage Mr. Mason voted against the bill, as did his friends Mr. Gore and Mr. King, probably on the same ground that led Mr. Webster to the same course in the House, on account of the participation of the government in its direction and management.

This session of Congress was also memorable for the passage of a tariff act, introduced by Mr. Calhoun, and supported by the leading members from South Carolina, for the avowed purpose of protection to American manufacturers. It was finally passed in the

Senate by a vote of twenty-five to seven, Mr. Mason being among the minority, doubtless because of the injury the measure would cause to the commercial interests of Portsmouth.

He also made a short speech upon an amendment to the Constitution proposed by Mr. Varnum, of Massachusetts, requiring representatives in Congress and electors of the President, to be chosen in separate districts, and not by general ticket. Mr. Mason was inclined to favor the application of the principle of the choice of electors, but was not disposed to interfere with the right of a State to choose representatives by general ticket, if it saw fit.

At this session a law was passed, without much discussion or excitement, which gave to members of Congress an annual allowance of fifteen hundred dollars instead of six dollars a day during the session. Little did the man who innocently and unthinkingly (126) gave their hand to this measure dream of the wind they were sowing, and the whirlwind they were to reap! To us at the present day this amount, even as money then was, does not seem an unreasonable compensation for the loss of time, and sacrifice of private interests, which attendance on Congress involved; but such was not then the temper of the times. For some cause or other,—perhaps on account of the large national debt then hanging over us,—this harmless act gave rise to one of those waves of popular feeling which sometimes sweep over our land like a prairie fire. The spending of the people's money is always an easy theme for cheap rhetoric and virtuous indignation, and the act was furiously assailed in the newspapers and in electioneering speeches. The Federal Legislatures of Massachusetts and Rhode Island protested against it, the former declaring it to be "an innovation upon the custom, and not congenial with the republican principle, of our government," and Democratic Georgia and Kentucky responded in the same strain. Of the members who voted for it many lost their re-election by reason of such vote, and many were re-chosen by only a very close vote. Such was the fright into which Congress was thrown by the angry growls of their constituents that the obnoxious law was promptly repealed during the second session, as to all future Congresses, though with a thrifty reservation of the benefit of it for themselves. Mr. Mason, luckily, had voted against the law, and thus the tempest of popular obloquy did not beat upon him; though no one would have met it with a calmer front had he seen fit to give the measure his support.

This sensibility as to the expenditure of public money has ceased to be a virtue, or a weakness, of the American people.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *January* 10, 1816.

MY DEAR WIFE — I have received only one letter from you which was waiting here for me. To-day I have received a letter from (127) George. I wish you to write whenever you have leisure, as I wish to hear from you frequently. No important business has been done. The House of Representatives have been engaged in a warm debate on an old question,—Whether their assent is necessary to give form and effect to a treaty made by the President and Senate. On that occasion the celebrated Mr. Randolph, and Mr. Pinkney of Baltimore, were the most conspicuous speakers on the opposite sides. Mr. Randolph by no means answered my expectations. It is generally thought he fell far below his former reputation.[1] Appearances still continue to indicate a very quiet and peaceable session. As in duty bound, I last evening went to Mrs. Madison's drawing-room, and after seeing the usual number of unmeaning faces, and saying and hearing the usual number of unmeaning things, came back again. I do not perceive or learn that the concourse of people here is greater than common. At the drawing-room I saw Mrs. Sargent (formerly Miss Swan), whom I thought by far the finest woman there. I understood she is to set out for home to-day or to-morrow. Mrs. Derby, Mrs. Harrison of Philadelphia and Mrs. Otis, have been here and passed on southward. Instead of treasury reports and bank bill calculations, I am engaged in reading Wraxall's Memoirs, which I find very entertaining. You must have noticed extracts from his work in the newspapers. I intend to amuse myself this winter as well as I can, and I earnestly advise you to the same determination. I believe much depends on such resolution, for I certainly do not dislike what I see and hear here as grievously as I did last winter.

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[1] It was in the course of this speech that Mr. Randolph indulged himself in the impertinence, when speaking of Mr. Pinkney, who had been Minister to England and Attorney-general, and was at that time at the head of the American bar, of saying, "I give up to the gentleman from Maryland—*I am told he is from Maryland*, etc."

Truly and faithfully yours, J. MASON.

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JEREMIAH MASON TO HIS DAUGHTER MARY.

WASHINGTON, *January* 14, 1816.

MY DEAR MARY,—I am gratified by your letter, especially in two particulars. It is in the first place very well written, and evidently shows a very considerable amendment in your handwriting. To effect this, you know I have often told you nothing was wanting but care and attention. I wish to see your handwriting still further improved. It is effected with little labor, and is a pleasant and useful accomplishment. It is also becoming more fashionable in our country; a bad handwriting is deemed vulgar. I am also much pleased with your determination to persevere in your mathematical studies. You began arithmetic with strong prejudices against it, imbibed at the Academy, which I think you had mostly overcome before I left home. I hope you will make such progress in Euclid before my return as to make it necessary for me to study it to enable me to examine you. Tell Alfred and James they must write to me before they are to expect any letters from me.

Your affectionate father, J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *January* 19, 1816.

MY DEAR WIFE, — I have your letter in answer to one from Baltimore. You seem to be alarmed with the many perils past. I do not specially remember what I said in that letter, but presume I mentioned the occurrence of a very unusual number of carriages broken down and other vexatious accidents which delayed me in my journey. But I certainly did not intend to say or intimate that those accidents were attended with any extraordinary danger, for really there was little or none. I never performed the journey with less danger or fatigue. When it was stormy I stopped till it was fair, and when dark till light. Contrary to my intention, which I believe I mentioned to you, which was to keep still and not trouble (129) myself with debating, I yesterday delivered in the Senate a speech against the right of the House of Representatives to interfere with treaties made by the President and Senate. I was tolerably well satisfied with my own argument, which was heard with attention. I shall not publish it. As we have no stenographer in the Senate, the labor would be considerable, and the subject creates no great interest with the public. Many arguments have already been published. Give my love to the children.

Truly yours, J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *January* 24, 1816.

MY DEAR WIFE, — There has been a great change of weather from dry and cold to wet, which has given me a cold, but not severe. I am otherwise entirely well. I am sorry to learn that Dr. Goddard declines being candidate as Governor. I fear the consequences, but I by no means regret the course I have adopted, as far as I was personally concerned.[1] That course, so seasonably adopted, relieves me from much trouble and vexation, to which I might otherwise have been exposed. I hope in the end, the election will turn out right, but I am fearful of it. I continue in the same lodgings I occupied last winter. I cannot yet find others more convenient. The distance from our new capitol is too great. I have seen a good deal of the celebrated John Randolph, who is in all respects the most extraordinary man I ever knew. He differs essentially both in person and mind from his species. I do not think so highly of his talents as I did before I saw him, but he is more eccentric than he is reputed. I do not think he will long sustain his reputation for talents. I take less interest in the affairs here than I formerly did. I of course anticipate less trouble.

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[1] Some of Mr. Mason's friends had desired him to consent to be a candidate for the office of Governor, but he had declined.

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I wish in my heart I was clear of it all and at home with you and my family, where all my happiness is. I shall write to some of the children. Give my love to the others, and kiss the little ones for me.

Affectionately yours, J. MASON.

JEREMIAH MASON TO MISS MARY E. MASON.

WASHINGTON, *January* 24, 1816.

MY DEAR MARY, — I am pleased with your progress in Euclid. The study of geometry affords a noble exercise for the mind. Women are generally prejudiced against it and all kindred studies. They often say such studies are useless for them. This is wholly untrue. The chief object in the study of geometry, as well as other departments of mathematics, is to enlarge, strengthen, and discipline the mind. If, then, it be important for women to think and reason, it is important for them to cultivate these studies which enable them to think and reason correctly. I was sorry to learn that a foolish antipathy to arithmetic prevails in your Academy. By the progress you have made in Euclid I trust you have overcome your dislike to such studies. By application you may soon be able to find as much or more amusement in them than in music or drawing.

If I do not write to Alfred and James by this mail, tell them I will soon. Your affectionate father,

J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *January* 27, 1816.

MY DEAR WIFE, — . . . . . . I expect evil consequences from the unexampled difficulty experienced in finding a candidate for Governor, stated in your letter and in others I have received. The consequences, however, must be more deplorable than I apprehend, to make me regret the course I adopted. I certainly did not (131) expect the extreme difficulty which has been experienced. All the world here are talking about Mr. Randolph, who has been talking in the House of Representatives all the time of the session for three full days in succession, about everybody and everything. He observes little or no connection in his discourses, and produces no effect except entirely to destroy his own reputation and influence. I have not heard him during any of his very long speeches. But those who did are almost universally disgusted. His standing and influence is lost. The administration party are in almost as great perplexity about their candidate for the next Presidency, as we are in New Hampshire about our next Governor. At this moment the chance is against Monroe, and in favor of Mr. Crawford of Georgia. Perhaps a few days may change the prospect, and set both aside and present a new man. The Federalists take no part in the quarrel. I am growing more and more tired of all political quarrels. My present intention is to return to you early in the spring, whether Congress rises or not. I do not, however, yet think of fixing any precise time. Depend upon it, I will come as soon as with any propriety I can,

Affectionately yours, J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *February* 15, 1816.

MY DEAR WIFE, — I have just received your note dated Saturday afternoon, which I presume must have been last Saturday. The mail had previously been delayed. I am glad little Mary Ann has got on her feet. I should like to see her, with all the other little frolicsome actors of the nursery, which would be much more amusing and gratifying than anything I meet with here. Although I had determined to the contrary, I find myself quite as much, if not more engaged in the ordinary business of Congress than I was in former sessions. Being obliged to vote and act in matters of no small national importance, I could if I would, avoid taking a (132) considerable interest in them, which often compels me to take some pains to get the necessary information. I shall not, therefore, have so easy a time of it this winter as I intended. There is an unusual multiplicity of business, and the present appearance is that we shall have a long session. I do not, however, intend, unless there should be more necessity for it than I anticipate, to tarry longer than I first determined on. . . . . .

Truly yours, J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *Saturday evening, February* 17, 1816.

MY DEAR MARY, — In your letter of 11th of February, you say the letter you had just received from me was the only one you had received for more than a week. I think it must have been owing to some irregularity in the mail, for I do not believe I have ever omitted to write so long. I have usually written as often I supposed as twice a week. For the future I will endeavor that no so great interval of silence shall occur. I will at all events be careful not to be in debt on this score. All your letters shall be punctually answered at least, and I wish you to write as often as you can. I can with truth assure you that the most agreeable moments I experience here are those employed in reading your letters. You cannot well conceive the interest which the narration of any little family incident excites. One reason for it, is, that I take no interest in the concerns of most of those I see and associate with. This has some exceptions. There are a few men here, for whom I have not only a high respect, but also a most sincere esteem. My acquaintance with them I consider the chief compensation for the many sacrifices I have made in coming and remaining here. But warm friendships are not often contracted among men who have arrived at or passed the middle age of life. This is perhaps more especially the case among ambitious men, of which character, the most I see here partake in a greater or less degree. I do not mix (133)
so much in society as I told you I intended to do. I cannot do it without more trouble than it is worth. The situation and condition of the place render it very inconvenient. Mr. Dexter,[a] of whom you inquire, I have seen very seldom and accidentally. He occupies a small tenement near the Capitol. I see but little more of him than I should if he was at Boston. I am told he is a very common attendant at the

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[a] Samuel Dexter is here alluded to, the celebrated Boston lawyer, who conducted before the Supreme Court of the United States *The Embargo Case*, by which embargo, all shipping interests of New England were virtually destroyed. He was born in 1761 and died in 1816, May 4th—less than three months from the time the above letter was written. See Webster's great tribute to him as a lawyer in his reply to Hayne, in the United States Senate. At another time, Webster said of him, in comparison with Judge Parsons: "In point of char-

President's, or rather Mrs. Madison's, where I never am more than mere etiquette requires. Mr. Atherton I see very seldom, not more than two or three times since I came here, and then only for a few minutes. He and I live almost four miles apart. Mr. Marsh has gone home. Mr. Gore has been confined the most of the time he has been here. His complaint has been a lameness in one of his knees, which he thinks is caused by rheumatic affection. He is recovering slowly, and rides out almost every day. He expects in a few days to resume his seat in the Senate. He has suffered much and borne it with great fortitude. He has not, however, at any time supposed his situation dangerous. . . . . Affectionately yours,

J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *February* 25, 1816.

MY DEAR WIFE,—Mr. King is nominated for Governor of New York, as you have probably seen in the papers. It was without his knowledge or consent. He has not determined what he will do. A very earnest press is made on him, which seems to embarrass him a little. If he assents, it will be attended with a great sacrifice of personal feeling and inclination. The weather here is now mild, and exhibits the appearance of early spring. The spring is much earlier than ours. No more severe cold is expected. I shall write to some of the children, and wish you to give my love to the rest. I would give more for an opportunity of seeing them than all the grave politicians in Washington. I can form no opinion of the end of the session, but I intend to terminate my session (134) some time in April. The political fever here is less violent than the last winter. Party zeal seems to be subsiding, and we are of course more quiet and good-natured.

acter, Dexter undoubtedly stands next to Judge Parsons at the Boston Bar; and in the neighboring counties and states, I suppose he stands above him. He has a strong, generalizing, capacious mind. He sees his subject in one view, and in that view, single and alone, he presents it to the contemplation of his hearer. Unable to follow Parsons in minute technical distinctions, Parsons is unable to follow him in occasional vaultings and boundings of his mind. Unlike Parsons too, he cannot be great on little occasions. Unlike him, Parsons cannot reject every little consideration on great occasions. Parsons begins with

Affectionately yours, J. MASON.

P. S.— Either this mail or the next I shall send the little children some picture-books. I have Jane's letter, for which thank you.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *March* 8, 1816.

MY DEAR WIFE,— . . . . You seem to have a pretty strong inclination for reading Congress speeches. Could I suppose any considerable portion of the community participated with you in that inclination, I should perhaps be more inclined to adopt what I conceive to be your advice on this subject. It is said a stenographer is to attend in the Senate, in which case it is probable your inclination will be gratified. . . . . .

Affectionately yours, J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *March* 10, 1816.

MY DEAR WIFE,—I have just received a letter from George in which he gives a pretty favorable account of himself. I hope it is not unjust. I have written to him two or three times. Although I am satisfied Dr. Appleton will do for him all in his power, I cannot but feel some anxiety about him. The more I see and notice the world, the more I am desirous of bestowing attention on the education of our children. It is of vast importance to them. In our country education is more important than in those where rank and fortune secure a certain grade and standing in society. I should decidedly pre-

common maxims, and his course to the particular subject and particular conclusion brightens and shines more and more clearly to its end. Dexter begins with the particular position which he intends to support; darkness surrounds him; no one knows the path by which he arrives at his conclusion. Around him, however, is a circle of light when he opens his mouth. Like a conflagration seen at a distance, the evening mists may intervene between it and the eye of the observer, although the blaze ascend to the sky and cannot be seen."—*Harvey's Reminiscences of Webster*, p. 22, said by Webster in 1804, while in Gore's office.

fer giving our children superior educations to giving them fortunes without educations. With this opinion I (135) know any neglect of duty towards them in this particular will be attended with lasting regret. Thus far I trust we have performed this duty with diligence, and I hope some success. To Mary, I have no doubt you pay all necessary attention. From you she must receive the most important part of her education. Others may teach her common literature and ordinary external accomplishments, but you alone can with maternal care and authority, teach her to cultivate pure affections and true sensibility, and all the virtues appropriate to the female character. This is the instruction most necessary for a young female, and compared with which all other instruction is of little value. We are employed here, as usual, in matters which we deem of great importance and which other folks care nothing about. The Bank is still under consideration, and excites increased interest. It is generally believed the bill will pass. Nothing is determined as to the Presidential election, but I think it will soon be. I often think of home, and never without wishing myself there. Give my respects to Mr. Fales and love to the children. Yours most affectionately,

J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *March* 16, 1816.

MY DEAR WIFE, — I have had two letters from you since I last wrote. I am exceedingly glad our domestic concerns are so prosperous. You seem to have had less trouble in managing them than, considering the unlucky accidents which have occurred, I expected. I most sincerely wish I was at home to share them with you. I cannot yet fix the time I can set out to return. I have intended, as I believe I have written you, to set out the first part of April. I still intend it if possible. There is, however, some business to come before Congress, which I shall be very unwilling to leave unfinished. It is now thought the session will end by the last of April. Of this, however, no certain opinion can be formed. An act has just been passed, changing the compensation for (136) members of Congress from an allowance of six dollars a day to a salary of $1,500 a year. It is supposed this will shorten the sessions. The real object is to increase the compensation, which it will do to the amount of about one third. Though I like having the money well enough, I was among those who doubted the expediency of taking it in this way. I do not think this measure will have much effect in shortening the present session, whatever it may do in future. The Bank Bill, which has been a long time under consideration, has just passed the House of Representatives, and come to the Senate, where it will doubtless pass. Mrs. Madison, with other high court dames, lately petitioned Congress for an act of incorporation for a Female Asylum, of which Mrs. M. was to be presidentess. The Senate most ungallantly rejected the petition. Being among the rebels on this occasion, I expect to experience no more smiles at the palace. This evening is to be held the grand Democratic caucus for designating the next President. There has been great difficulty, and the party is now believed to be so equally divided between Monroe and Crawford, that many doubt which will be selected. I expect Monroe will succeed. I have not had the easy, amusing winter I intended. My time has been mostly devoted to the business of Congress. I have spent little time out of my own lodgings, except in the Senate Chamber. The winter has, however, passed as much to my satisfaction as I expected. Party spirit has a good deal subsided. If I can get away in season, I shall be tolerably satisfied.

Affectionately yours, J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *February* 10, 1816.

MY DEAR WIFE, — I have had no letter from you since the one dated January 31st. I believe I have not written so often for the ten days past as I usually do. The truth is, I have been a good deal occupied by the ordinary business of Congress. Though nothing of very great importance has been under consideration, we (137) have been very much engaged in the common business of the session. The land tax, which has occasioned so much debate in the House of Representatives, has not yet come to the Senate. It is very doubtful what will be its fate, as also with the bank bill. The matter of the next presidency still continues to be the subject of the greatest interest. The chances between Monroe and Crawford are supposed to be nearly equal. The common opinion is that they will not settle the question between themselves, but refer it to the nation. I think it most probable they will in some way make a compromise. . . . . .

Affectionately yours, J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *March* 20, 1816.

MY DEAR WIFE, — I presume you have seen the result of the Democratic caucus, in the nomination of Colonel Monroe by a very small majority. This has been and continues to be the subject of general conversation and high excitement. Crawford's friends, though dissatisfied, will probably in the end submit. This, however, is not yet certain. We are now beginning to hasten, in the despatch of public business, to bring the session to a close. I think Congress will adjourn in the course of April. Whether I can set out before the adjournment, I cannot yet say. I have heard no news of the New Hampshire election. I feel anxious to hear, and hope to-day's or to-morrow's mail will settle it.

In haste, truly yours, J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *March* 24, 1816.

MY DEAR WIFE, — I have received your letter of 12th, after the one dated the 15th inst. The mail has, during the winter, been very irregular. I was pretty well prepared to expect the unfortunate result (138) of the election as to the governor, but not as to the Legislature.[1] I still hope the Senate is not changed. If all the departments of government are thus suddenly changed, I fear much mischief from the first ebullition of party heat. The presidential election here is generally believed to be determined in favor of Colonel Monroe, not, however, without much dissatisfaction among the Democrats. . . . . .

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[1] At the spring election of 1816, the Democratic party in New Hampshire elected their candidate for governor, and a majority of members in both houses of the Legislature.

I never felt a stronger desire to be at home than at the present time. This is about the time, or near it, when I had intended to set out on my return. But however disagreeable it is to tell you so, I cannot determine with any certainty on my return. At present, with a proper regard for my duty, I cannot leave my seat vacant unless urged by high necessity. The bill for incorporating the bank is coming under the consideration of the Senate. Very important alterations will be attempted. The new tariff of duties is also to be acted on, with several other important measures. I think Congress will rise the latter part of April, perhaps by the 20th. When I have mentioned to two or three of my friends an intention of going away before the end of the session, they have objected in the strongest terms. I will come as soon as I can. I have written to my brother I shall return by way of Lebanon. . . . . . Affectionately yours,

J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *March* 26, 1816.

MY DEAR WIFE,—In your last letter you mention your anxiety about the children, especially the eldest. It is a subject on which we shall probably always feel anxious. As they are, to all appearance, doing tolerably well, I think it wisest and best for us to endeavor rather to lessen than increase this anxiety. We ought to and I trust shall faithfully perform our duty towards them. This we must do to the utmost of our power. This done, the excess of anxiety ought to be repressed, because it can do them no good but (139) may become to us the source of much suffering. You say you doubt the propriety of sending Mary from home this spring.[1] I rather think, as I did when we last conversed about it, that it will be best for her to go to Boston, if a suitable situation can be found for her. Perhaps, however, there will be no benefit in fixing her fancy on this plan at present. If anything should prevent it, she might feel disappointed, and be less inclined to attend to her studies at home. The expediency of sending her there will depend much on the finding a good situation. I shall be at home in season to determine about it. In the meantime, you can make such inquiries as shall be in your power. Since I last wrote you I have made two short arguments on the tedious and trite subject of the Bank. One, I believe, was no great affair; the other, in my opinion, pretty good. It was supposed to have some effect towards attaining its object, which was an amendment to the bill carried against the pronounced determination to have no amendment made. This bill will occupy the Senate for several days. You have seen in the papers the arrival of Mr. Bagot, the British minister. His wife, it is expected, will be the subject of the most attention here. She is the niece of the great Duke of Wellington, and of course the subject of attention and curiosity. They have taken lodgings in the same hotel I am in, for a short time, till their house shall be prepared. I called yesterday to make a visit of form. The lady affects great affability, and professes to be pleased with everything she sees in the country.

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[1] That is, to school in Boston.

Affectionately yours, J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *April* 6, 1816.

MY DEAR WIFE,—Yesterday I received your letter of 30 March, and am glad to know you all continue well. I feel very impatient with the prospect of being detained here longer than I intended. I think the session will end the latter part of this month. I do not (140) intend to stay longer than about the 20th. The Bank Bill has passed. The new tariff of duties is now the business of the greatest importance. That still remains under discussion in the House of Representatives. It will be before the Senate next week. The last of a session is always unpleasant on many accounts. The business always presses so as to leave no leisure to those who attend to it. But what is worse, everybody becomes sour and ill-tempered. After being shut up together for three or four months, debating and quarreling, it would be expected that better men than the most of us are, would become heartily tired of each other. I do not think a legislative body ever ought to continue together more than three months at one time. This is certainly long enough, if they sit in such a place as Washington, where they can see and converse with none but themselves. With all these grievances, the winter has passed tolerably well with me, certainly as well as I expected. I have been little in company, because I found little amusement and less instruction, in any I could hear of here. Party spirit, which the last session was very acrimonious, has greatly subsided. Indeed party distinction has almost disappeared in both houses of Congress. It is possible some occasion may again call it up. But the distinctions between Federalists and Democrats will, I think, never again be felt as strongly as they have heretofore been. There is now more appearance of the distinction being forgotten than I have ever before seen.

Affectionately yours, J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *April* 14, 1816.

MY DEAR WIFE,—I have your letter of 7th April. I have expected Congress would rise the 22d inst., which was named for that purpose. Yesterday the question was called up in the Senate, and it was thought impossible, with proper consideration of the public business, to adjourn at that time. The determination of it is postponed (141) to next Saturday. Congress it is said, and I believe, will adjourn before the last of the present month. I have always intended, if Congress did not adjourn, not to postpone my journey home later than the 22d. But I cannot be certain of setting out at that time. The Tariff Bill, with some other important matters, remain to be acted on. I am told I must not go away till these are despatched, and that will be at or near the end of the session. I want to leave this place, where there is little I like, and I want exceedingly to be at home, where is, and always must be, all my happiness. I shall come as soon as I can. I have agreed with Mr. Webster that we will go together. He wishes to set out by the 25th. I wish you to continue writing to me here, till I mention some other place for your letters to meet me on my way. . . . .

Affectionately yours, J. MASON.

JEREMIAH MASON TO MRS. MASON.

WASHINGTON, *Monday, April* 22, 1816.

MY DEAR WIFE,—It was till lately expected that Congress would rise on the evening of today. The period is now postponed certainly till the first of next week. There is a great press of business in the Senate, mostly of an ordinary sort, but some important. Mr. Webster and I have agreed to return together. He wants to set out this week. I have doubts whether it will be possible for me to do so without incurring an imputation of neglect of duty. I wish you to direct to me here, till I request you to omit it. Your letters will be sent after me on the road if they come after I have set out. The spring here is said to be very backward, the weather for three or four weeks having been cold, till a few days past. The fruit trees are still in blow, and the country begins to look pleasant. I have taken advantage of it by two or three short rides, which after my winter's confinement have been very agreeable. On Saturday I went to dine at a Mr. Calvert's, near Bladensburg, where I saw a collection of paintings supposed to be the best ever seen in (142) this country. They were sent to this country to escape Bonaparte's grasp, and are soon to return to Europe. Yesterday I went to Alexandria, where I attended church in the forenoon, and dined with Mr. Swan. If I was not confined to my place in the Senate, I think I could dispose of a few days pleasantly enough in making a few short excursions. I have never been here when the weather was so inviting. The congressional invalids, of whom there have been a considerable number, are fast recovering. Dissatisfaction with their situation and want of exercise were, I believe, the chief cause of their complaints. I promise myself good weather, and consequently a pleasant journey home. I shall not come home so rapidly as I sometimes have. I must stop in Connecticut, and Mr. Webster wants to be a day or two in Philadelphia and New York, which will also be agreeable to me, if we can spare the time. It will make but a few days difference in the time of my getting home.

Affectionately yours, J. MASON.

The second session of the Fourteenth Congress began on the second day of December, 1816, and closed on the fourth day of March, 1817. Mr. Mason was in his place on the first day of the session.

He was again put upon the leading committee of the Senate, that on finance, and he was also a member of that upon commerce and manufactures. The legislation of the session was not of much interest or significance. The most important measure acted upon was a bill introduced by Mr. Calhoun to appropriate as a permanent fund for internal improvements the bonus of the bank of the United States, and the government's share of its dividends. This passed the House after much opposition, and by a very small majority, and also went through the Senate with a large negative vote, but, doubtless much to the surprise of its author and its chief supporters, it was vetoed by the President on the ground of unconstitutionality.

To those who remember the later years of Mr. Calhoun's public life, it will be curious to note that at this time his name was identified with three such measures as a bank of the United States, a (143)
protective tariff, and a national scheme of internal improvements. He was then a very young man, having only reached the age of thirty-five years at the close of the Fourteenth Congress. He was the administration leader in the House, and had won that position by a combination of qualities at once solid and brilliant; by patient industry, by eloquence and energy in debate, legislative tact, comprehensive statesmanship, and singular powers of fascination over those who came within his personal influence. He was the pride and hope of a great party to which he belonged, and no man of his age had seemingly so brilliant a future before him. Over Mr. Clay, his only rival in popular favor, he had an advantage in the austere purity of his private life. It is sad to think of the false lights that led him astray in his latter days, and of the doubtful name he has left in history, when compared with his striking early promise.

Mr. Mason, on the 17th day of February, submitted a motion to reduce the military peace establishment from ten thousand to five thousand men, and supported the measure in an able and elaborate speech, showing at once reflection and research. He was replied to by Mr. Barbour, of Virginia, and his motion was indefinitely postponed by a vote of twenty-four to eleven.

Mrs. Mason passed the winter with her husband at Washington, and thus we miss the record of his life there which is supplied in previous years by his letters to her. He wrote occasionally to his children, and one or two letters passed between him and his friend Mr. Gore, who since the close of the preceding session had been compelled by ill health to resign his seat in the Senate. He also wrote a letter to Mr. King, who did not take his seat till the 30th of December.

JEREMIAH MASON TO RUFUS KING.

WASHINGTON, *December* 15, 1816.

DEAR SIR,—I have your letter of the 8th, and though I am for many reasons desirous of your being here, I cannot state any important business which is likely soon to come before the Senate. (144) The standing dishes served up by the President will, I think, remain untouched for the benefit of his successors. An attempt will be made to establish a national university, which I am told will probably fail in the House of Representatives. A bankrupt law and a navigation act, similar to the British, will also be attempted. The western men intend to upset the whiskey tax, which must of course, be attended with the repeal of all the internal taxes. But I do not think any of these will reach the Senate till after New Year's day.

The President has found out, as you have probably seen by the papers, that the Kentucky Horse Act of the last session needs mending.[1] Much abuse is cast upon poor Lee, the commissioner. I believe his decisions are of a complexion very similar to the law he acts under. A treaty with Sweden has been sent to us. I did not hear it read. When printed, I will send you a copy.

We, with Mr. and Mrs. Webster, are lodging in one of the houses of Carroll's Block, a few doors south of Queen's Tavern. We are entirely by ourselves. The people of the house are disposed to do the best they can for us. We do not fare very sumptuously, but on the whole are as comfortably situated as we had reason to expect.

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[1] Mr. Mason here alludes to an act entitled "An act to authorize the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes," approved April 9, 1816. It was introduced by Mr. Johnson, of Kentucky, and horses formed a considerable portion of the property referred to. Mr. Lee was the commissioner under this act. The President sent a special message to Congress, December 6, 1816, calling their attention to the act as needing further legislation.

Crawford's establishment is continued by his brother, who, when I called there, was not to be found. The bar tender told me you were expected. Major Lewis Grosvenor and Herbert are the only members of Congress there. I am told the establishment is somewhat deranged. Bailey, a reformed gambler from Virginia, has taken and fitted up for a tavern the house south of the Old Capitol, where the Supreme Court held their session last winter, together with the house adjoining. He also has the house occupied by Dallas. It is said his accommodations are very good, and that the cookery is superior to what has been found here. Should you prefer being on the Hill to going to Georgetown, as I hope you will, I am inclined to think you may be as well suited at Bailey's as at Crawford's. I am told that Mrs. Wadsworth, who has pretty good rooms, has no lodgers. I will willingly make any further inquiries or arrangements for you on this subject that you may wish.

I am, sincerely and faithfully, your most obedient servant,

J. Mason.

P. S.—Mr. Harper has resigned his seat in the Senate, which is to be filled by Hanson. I am in doubt whether to set this down to the side of profit or loss.

JEREMIAH MASON TO MISS MARY E. MASON.

Washington, *December* 19, 1816.

My dear Mary,—Since we parted with you in Boston, we have heard from you less frequently than we have wished. Your mother has several times expressed some anxiety about the cause of your silence, fearing you was sick. You must in future write to us oftener. We shall expect a letter from you in future either to me or your mother, once a week at least, and as much oftener as your leisure and inclination will permit. Separated from us and all the family, as you are, we feel more anxiety to hear from you often than we otherwise should. I wish you to give me a particular account of your studies, and how you are suited in all particulars with your situation. Your mother bore the journey here remarkably well. I think her health is better than it has been the two or three years past. I hope there is no occasion for my advising you to diligent application to your studies. You must recollect that the coming two or three years of your life, if misspent, cannot be recalled. You will at that time be a young woman, to whom all who may know or hear of you will assign a character which it will not be easy afterwards to alter. I trust your situation and opportunities are favorable (146) for improvement, and I entertain sanguine expectations of your rapid progress. You mention that Dr. Park has said nothing to you about composition. When I saw him I told him I should submit the direction of your studies to him. I have much confidence in him. You may, if you please, mention the subject of composition to him. Inform me if you experience any difficulty in getting to school in bad weather, and how your health is. I believe your mother wrote to you that you might lend the books you mentioned as you wish. In your vacation, should an opportunity occur, I think you had best make a visit to Amherst.

I am most affectionately yours, J. MASON.

JEREMIAH MASON TO CHRISTOPHER GORE.

WASHINGTON, *December* 30, 1816.

MY DEAR SIR,—I have your letter in which, among many better things, you remind me of my negligence in not writing to you. My case is not quite so bad as you suppose. I really have written to you once since I arrived here. As nearly as I can recollect, it was about a fortnight ago, and which of course you ought to have received before your letter to me. I suppose my wrong direction must have delayed your receiving it. Of news we have nothing. In dullness and indolence in the way of business, the commencement of this exceeds all former sessions of Congress which I have known. As yet, nothing has been done in either House. In the Senate we have said nothing. The Representatives have talked a little, but to no point or purpose. Webster's report on the Compensation Law is the only thing produced which has attracted any notice. All the friends of that *wicked* measure think he has made for them a very able defense. It has renewed their courage to such a degree that I expect they will let the law remain long enough to answer all the purposes of this session. A very extraordinary degree of listlessness pervades the Legislature. Everybody seems convinced of the impossibility of resisting executive (147) influence, or giving any new direction to the political machine. The Federalists, having lost all hope, and consequently having no bond of union, cease to act with any degree of concert. I see nothing which will again unite them. They may occasionally show themselves in some of the States, but in this government they will soon become extinct. It is to be hoped an opposition will arise from some other quarter, and under another name, that may restrain executive power and influence, which in my opinion is becoming really formidable. Nothing else is seen or felt here. At present none who have the means wish to restrain, but wish to participate in that power. Nothing seems to be agreed on as to the next Cabinet. Crawford, it is said, wishes to be retained. If so, he must be gratified for a short time; but the sins of a competitor for the diadem can never be forgotten or forgiven. I think it probable Mr. Monroe is inclined to make J. Q. Adams Secretary of State,[a] believing there is no danger of finding in him a dangerous rival four years hence. But Clay, with his western people, will oppose that project. If Adams is brought in it will not be with any intention of his final advancement to the presidency. I rather expect he will remain in his present situation, where he seems in no danger of acquiring too much reputation. Mr. Coleman delivered me your letter. I carried him to the Senate and introduced him to several of our friends. He soon got into so good company that I saw little of him. Mrs. Mason and Mrs. Webster continue to be better pleased than I expected. The weather has been remarkably fine, which they improve in seeing the great city and its vicinity. Mr. King has arrived. Excepting a trifling cold, he is very well

Sincerely yours, J. MASON.

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[a] This was done, as John Q. Adams was made Secretary of State by President Monroe, March 5, 1817, entering upon the duties of that office September 22, 1817, and continuing in that office through Monroe's second term till 1825.

JEREMIAH MASON TO CHRISTOPHER GORE.

WASHINGTON, *January* 25, 1817.

MY DEAR SIR,—I presume from your letter of the 11th that you have a very just idea of our condition. On no occasion has (148) anything like a Federal opposition appeared during this session, in either House. It will never again be seen. There is nothing to sustain such an opposition. Under existing circumstances I doubt if such an opposition is to be wished for. What good can it do? What section of the Union, or portion of the community, would sustain a man, who should now take upon himself the labor of exposing the grossest peculation and mismanagement? Riding on the top of the popular tide, the executive can easily run down any man or any number of men who should make the idle attempt. The people would not believe the alleged abuse to exist, till compelled by the most irrefragable evidence, when they would probably justify it. What then are the men who do not and cannot agree to the measures of government to do? I think they can do nothing. The preparations which I see among the Federalists to make their somersets excite neither pain nor displeasure. Let those who wish to go pass over quietly. The most of them will meet with a favorable reception. Monroe wants recruits for the war of the next succession, and will smile on all who come. His apprehensions are not without foundation. As one opposition sinks another will rise, and perhaps with more favorable auspices. It is rumored that murmurings are already heard. Within a day ar two, the report that J. Q. Adams is to be Secretary of State has gained more credit. I have had it from a source that convinces me it is seriously thought of. The inducement is said to be to lessen the jealousy against Virginia, and conciliate New England. Some think there is a *bona fide* intention to designate him for the next presidency, and that Colonel Monroe believes this the best way of securing his next four years term. Others suppose the only object is to afford A. a fair chance of hanging himself, which they say he will certainly do in a short time. Mr. Clay gives no credit to the latter supposition. He with all his western friends are clamorously opposed to A.

Crawford[a] is said to be sulky, and to talk of retiring. I think better of Mr. Adams' prospect than I have heretofore. I do not however believe anything is yet determined on. No movement has been (149)
made in the Legislature respecting the Massachusetts Militia claim. I understand Messrs. Lloyd and Sumner are arranging the accounts for executive examination, in hopes of getting a portion allowed on the principles established in favor of the Virginia claims. They may get a small pittance on that ground, but I suspect before they obtain any serious amount, they will find they know nothing of the true key for construing the Virginia rule.

Truly yours, J. MASON.

JEREMIAH MASON TO MISS MARY E. MASON.

WASHINGTON, *January* 25, 1817.

MY DEAR MARY,—Your letters have given us much satisfaction, especially since you have abandoned the too laconic style of one or two of the first. But I have received a letter from Mr. Webster which gives me more pleasure than any of yours. He says Dr. Park spoke in very favorable terms of the progress you make in your studies, which I trust he would not do without your deserving it.

I have several times endeavored to impress on your mind the importance of a zealous and assiduous attention to your studies, and I shall think my labor and pains amply rewarded if I can suppose I have in any degree contributed towards the attainment of this object. I have much confidence in your preceptor. He will afford much aid, but the chief dependence must be on your own exertions.

An ill founded opinion has prevailed too extensively that literary acquirements do not constitute an essential ingredient in the character of an accomplished woman. Fortunately for your sex this foolish opinion is much less prevalent now than formerly in our country. Great improvements have already taken place in this particular of female education. I have no doubt they will continue and increase, and that the women of the rising generation will in literature at least greatly excel their predecessors. This reflection must not only excite a laudable ambition in a generous mind for literary attainments, but impose a degree of necessity for exertion (150) even on the sluggish and ignoble. For I hope that ignorance in a woman who has had a convenient opportunity for acquiring knowledge, will soon be deemed as disgraceful as it is in a man.

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[a] W. H. Crawford (1772-1834), of Georgia, was born in Virginia, and was a political leader and made Secretary of War by Madison in 1816, and then by Monroe, in which office he continued till 1825. In 1824, he was the caucus nominee of the Democrats for President, ranking third with Jackson, Adams, Crawford and Clay. From 1827 till his death Crawford was a judge of the Northern Circuit Court of Georgia.

The only restraint on your application to study should be a proper attention to your health. This must not be neglected. You must allow a reasonable portion of time for exercise, recreation, and attention to your person.

I wish you to inform me what you have studied since you have been at Boston, and state to me also frankly how you stand in comparision with others in your class. Your mother joins me in cordial love to you. Most affectionately yours,

J. MASON.

JEREMIAH MASON TO JAMES J. MASON.

WASHINGTON, *January* 25, 1817.

MY DEAR JAMES,— We have been much gratified by regularly receiving your and Alfred's letters since we parted with you, and also by the accounts we have had from others of your correct conduct. I hope you are diligent in your studies, and that I shall find on my return in the spring that you have made good proficiency. I wish you to attend to your handwriting, in which I am glad to see you have made some progress. When you next write, tell me what you are studying, and how long lessons you get. I suppose George is still with you, unless he has gone to Amherst. His visit I trust has been very pleasant both to you and Alfred. Your mother and I look forward with exceeding great pleasure to the time of our return home, when we hope to have you all together again in health and happiness. I trust that you as well as the rest of our beloved children, will so conduct as to merit our entire approbation, which

ROBERT R. LIVINGSTON.

will greatly increase the pleasure of that happy meeting.

Your affectionate father, J. MASON.

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In August, 1816, the following correspondence passed between Governor Plumer and Mr. Mason, relative to a seat upon the bench of the superior (the highest) court of New Hampshire.

WILLIAM PLUMER TO JEREMIAH MASON.

EPPING, *August* 7, 1816.

DEAR SIR,—Yesterday I received official information that Mr. Upham declines accepting the office of a justice of the Superior Court of Judicature. Another judge must therefore be appointed. Agreeably to your request I give you notice of the fact; and permit me to inquire if you are appointed Chief Justice of that court, will you accept the office? It has long been my desire that you should have that office, and I think it will be offered to you, provided I have assurance you will accept it. It is an office worthy your ambition, and one I hope you will hold till you are removed to the bench of the Supreme Court of the United States. How soon the Council will be convened is uncertain; but I thank you for your answer as soon as convenient.

And in all events believe me to be with much respect and esteem,
Sir, your most obedient humble servant,
WILLIAM PLUMER.

JEREMIAH MASON TO WILLIAM PLUMER.

PORTSMOUTH, *August* 18, 1816.

DEAR SIR,—I am sensible of the honor you do me by the inquiry in your letter of the 7th inst. You ask whether if appointed I will accept the office of Chief Justice of the Superior Court. There may be an appearance of indelicacy in my stating any determination on this subject while there is no vacancy in the office in question. I think, however, under the circumstances of the case, I ought not to be influenced by that consideration, but frankly to communicate at your request the result of my reflections.

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Could I flatter myself with the belief of possessing the necessary qualifications, the proposed office would certainly satisfy my highest ambition. There would however still remain two objections which seem to me to be insuperable.

The salary by the present law allowed is in my opinion wholly inadequate. The duties of the office are very laborious, and the situation highly responsible. The proper discharge of those duties must necessarily engross so large a portion of the whole time as to leave very little leisure for any other employment. For such arduous and constant labor in so responsible a situation I cannot think the present salary a reasonable compensation.

My other objection arises from the late organization of that court. Experience has, I think, demonstrated that if the three judges are required to be all present at each jury trial they can never do the business of that court in a manner satisfactory to themselves or beneficial to the public. For many years past the business has been gradually increasing, and it will probably continue to increase with the increasing wealth and population of the State. Whoever shall be the judges, I think I hazard little in foretelling that under the present system the business will accumulate, and consequently be delayed to a very injurious degree. Perhaps there were defects in the plan lately abolished which needed a remedy. But I shall be greatly disappointed if the return to the old system in the particular I have mentioned should not be found to be injurious, and a continuance in it impracticable. If the judges are competent for their places, I think there can be no danger in confiding to a single judge the power of ruling the evidence and directing the course of the ordinary trials by jury of issues of fact, subject to certain exceptions. Such a practice prevails in most of the United States, and has been attended with no mischief, as far as I am informed. Wherever that practice does not prevail, it has been found necessary to have a much greater number of judges in proportion to the business to be done than is contemplated by our present system.

After thus stating the reasons which prevent my complying with (153) your proposal, I trust it is unnecessary to add that political considerations, which in these times are often supposed to determine almost everything, have with me on this subject no influence.

I am with much respect, sir, your most obedient servant,

J. Mason.

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CHAPTER V.

Mr. Mason resigns his Seat in the Senate of the United States. — Letters to Mr. Gore and Mr. King, informing them of the Fact, and their Replies. — Letter to Dr. Appleton on the same Subject. — Portsmouth in the Early Part of this Century. — Mr. Mason's Professional and Domestic Life. — The Dartmouth Case.— Correspondence to the Close of the Year 1818 with Mr. Gore, Mr. King, Mr. Daggett, and Judge Story.

IN June, 1817, Mr. Mason resigned his seat in the Senate of the United States. He has not left on record any statement of the reasons which led him to take this step, but they may be inferred from the tone of his letters in the two preceding chapters.

In the first place, unlike most Americans, and especially unlike most American lawyers, he had no political ambition. Public office had no charms for him, and professional occupation was far more to his taste than political. Popular applause he neither sought nor cared for, nor had he that cheap accomplishment of popular eloquence by which such applause is most easily won. He spoke wisely, weightily, and logically; he addressed the reason and the conscience of his hearers; but what he said was not commended by any aid of voice, eye, or gesture. He had none of the external graces of oratory; his manner was simple and unimpassioned, and his tone conversational. His powerful mind and masculine taste would have disdained the triumphs secured by an appeal to the passions or prejudices of those whom he addressed. Thus his love of his profession, and his indifference to public life, conspired to make his place in the Senate distasteful to him.

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But more powerful than any other motive was his unwillingness to continue the sacrifice he was obliged to make in being so long absent from his family. His domestic affections were very strong, and all his hours not given to his profession, were spent at home. For the rest and refreshment which a hard-working lawyer so much needs he was peculiarly dependent upon his family. When absent from them in Washington, he had no resource for his lonely evenings but the solitary pleasure of reading. For the questionable amusements to which members of Congress sometimes resort for pastime he had no taste, even if his strict New England training had allowed him to look upon them as innocent. His letters are full of expressions of the longing he felt to be at home with his wife and children, and of the sacrifice he was making in living away from them.

He felt too that a numerous family of young children had claims upon him paramount to all others, both to secure for them a provision against want in case of his death, and to give his constant care to the training of their minds and characters.

The situation of the country left him at liberty to obey the strong impulse which called him home. Its youthful energies and boundless resources were already beginning to repair the waste of the war. The burden of taxation had been lightened, commerce revived, manufacturers were quickened, and Mr. Crawford, who was appointed Secretary of the Treasury in October, 1816, had been able, in his report at the meeting of the second session of the Fourteenth Congress, to give a hopeful view of the finances of the country.

And now that the war was over, the bitterness of political feeling which had grown out of the war and the measures which had led to it had much abated. The Federalists, a party decreasing in influence and numbers, had acquiesced in the election of Mr. Monroe, a man of moderate talents and moderate temper, who made neither earnest partisans nor vehement opponents. Most men were ready to bury the hatchet of political strife; and a man of Mr. Mason's (156) political sagacity could not fail to see that the old party lines were in a fair way to be erased, and that new issues would make new divisions of the future.

Mr. Mason, upon resigning his seat in the Senate, wrote to his friends, Mr. Gore, Mr. King, and Dr. Appleton, informing them of the step he had taken. His letters, and the replies of Mr. Gore and Mr. King, are here given.

JEREMIAH MASON TO CHRISTOPHER GORE.

PORTSMOUTH, *June* 18, 1817.

MY DEAR SIR,—I have just resigned my seat in the Senate of the United States. For a considerable time past I have contemplated doing this. I have many reasons for staying at home, and very few for going to Washington. Among the circumstances which have lessened my inducements to retain my seat in the Senate, your resignation is not the least. I certainly do not regret having spent so considerable a portion of four years in that station. I am not vain enough to console myself with an idea that my labors have been of any special advantage to the country. But the time has not been spent without advantage to myself. It has afforded me the opportunity, which I should otherwise never have enjoyed, of knowing some of the greatest and best men in our country. And I have the consolation of hoping that in a few instances I have been so fortunate as to attract their kind regards. I have also had an opportunity of seeing the tricks and cunning contrivances by which the nation has been, and I suppose for a long time will continue to be governed. These can never be well understood without the advantage of a situation from which one can see the master jugglers manage their puppets.

I fear the good people of Boston will kill the President with kindness. I am, however, on the whole, glad to see them taking that turn. They have certainly derived no benefit from pursuing (157) an opposite course.[1] No one can foretell what this will produce; but I do not believe the Federalists, or quasi-Federalists, have anything to expect from Colonel Monroe. When I saw you a few moments in Boston last spring, you told me it was possible that in some excursion in the course of the summer you might take Portsmouth in your way. I wish you would say it was probable.

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[1] President Monroe, who made an extended tour through the country in the summer of 1817, was in Boston at the date of this letter.

I am sincerely yours, J. MASON.

CHRISTOPHER GORE TO JEREMIAH MASON.

WALTHAM, *June* 22, 1817.

MY DEAR SIR,—I duly received your letter of the 18th mentioning that you had resigned your seat in the Senate of the United States. On public grounds I am concerned. No one more quickly discerns the weakness and wickedness of bad measures, and none more thoroughly exposed them, and in many instances you succeeded in defeating their schemes or in rendering them less obnoxious. I am sorry also for our friend King's sake, who will be altogether alone. . . . . .

For your own gratification you have, I entertain no doubt, remained as long as was desirable. The inconvenience in going and returning, the comfortlessness of Washington, and the privations of so many enjoyments in being from home were, and must have continued to be, great sacrifices. I rejoice that you were there while I held a seat, and should be extremely delighted, if it were for your interest and happiness to live in my neighborhood, that once in a few weeks I might exchange thoughts with you on the passing events. I despair of ever being able to go so many miles from home; were I able, I would visit you and yours with great satisfaction.

The Boston folks are making great efforts to show their respect for the new President. It has been a question who should evince (158) most devotion, the Federalist or Democrat. The former appears to have got the start in the race. The military will escort him; all the citizens are to attend on the way in carriages and on horseback, and finally he is to be shown all the boys of Boston on our Common. If he does not meet us with due respect after all this, and illustrate some of the most distinguished leaders either by knighting them, or sending them to represent the dignity of the United States in China or England, he must be lost to all sense of gratitude as well as of public good. My want of health will prevent me from paying my personal respects to the President. I am confined to my own fields and my own furrows, which are looking well, but here are neither the weeds of ambition nor avarice. If I had tolerable health and limbs, I could pass the remnant of my days in cheerfulness; as it is, I endeavor to go on tranquilly and without repining. My wife enjoys very passable health, and unites with me in affectionate regards to Mrs. Mason and yourself. Farewell.

Your faithful friend, C. GORE.

JEREMIAH MASON TO RUFUS KING.

PORTSMOUTH, *June* 26, 1817.

MY DEAR SIR,—I have resigned my seat in the Senate of the United States. I had contemplated it for some time, as I mentioned to you last winter. It was my intention to have postponed my resignation till next fall, and so retain the power of altering my determination should I see reason. But as that would have carried the appointment of my successor from the Legislature to the Governor, which I did not wish to do, and as I saw no probability of any change of opinion, I thought it best to resign at the present time. For staying at home I have many inducements; but for going to Washington none, except the pleasure and advantage of being with you. I do not see that the public have any manner of concern in this matter. I have not vanity enough to flatter myself with the notion of having done the public any good while I have been in (159) the Senate, nor do I see any probability that I could if I remained there longer.

I do not regret, however, having spent so considerable a portion of time in that situation. It has been of great advantage to me. It has afforded me the means of seeing, and in some measure understanding, the tricks and cunning management by which the nation has been and probably will for a long time continue to be governed. And what is much better, it has also afforded the opportunity, which I should otherwise never have enjoyed, of cultivating the acquaintance and (I trust I may add) the favorable regards of some of the greatest and best men our country has ever possessed. I shall always consider the having acted with you on some important occasions, as constituting the most fortunate and gratifying events of my life. And be assured, my dear sir, I shall hold in grateful remembrance the uniformly kind treatment I have always experienced from you.

I shall apply myself to my professional pursuits, and seek for happiness in domestic enjoyments. The education of my children, which is certainly the first and most important duty of a parent, will of itself for a long time afford me much employment.

I understand the Boston folks are making unexampled preparations for the reception of Mr. Monroe. The intent is to work out the stain of the Hartford Convention and their other rebellions. I do not believe it will answer the purpose intended. We here, being suspected of no disloyalty, shall make no extraordinary exertions.

I was informed a few days ago from Boston that Hunter had lately sailed for England. It was intimated he might be in government employ. I think that cannot be. If so you must of course know, as it was well understood at Washington, that the President was to do nothing without your privity and advice. Mrs. Mason joins me in affectionate regards to Mrs. King.

I am with the highest respect,

Faithfully yours, J. Mason.

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RUFUS KING TO JEREMIAH MASON.

Jamaica, L. I., *July* 4, 1817.

My dear Sir, — Accept my acknowledgments for the very obliging letter which you have written to me. I was sorry to see it announced that you had resigned your seat in the Senate. To the force of some of the motives that have influenced you on this occasion I am not insensible; but that you have done no good, and think it doubtful whether you should be able to do any, by continuing in the Senate, I am not willing to admit or to believe. On the contrary, for maxims of government, principles of administration, and views of general policy, the observance of which cannot fail to promote the public welfare, I am quite sure that our colleagues and country owe us something.

It is true that we have had to contend with prejudices constantly working against us, and jealousies, that caused individuals to vote in opposition to us, as well as to their own convictions. These are discouraging circumstances, especially as they seem to be inseparable from our political system; which, although less conducive than might be desired to the greater prevalence of exact justice, is nevertheless fitted to our condition, and, as I am inclined to believe, more certain to promote our progress in wealth and strength than any other political arrangement.

The President by this time must be at Boston, where, as you conjecture, there will doubtless be performed some works of supererogation. With our reformed notions we should not place much reliance upon the efficacy of these over zealous deeds. According to my interpretation of motives, and of the conduct of the President at Philadelphia and amongst us, he will apparently receive in good part whatever is offered by way of respect. But here, as also at Philadelphia, the exclusives have manifested some little jealousy and displeasure; and if the extraordinary demonstrations of attachment, respect, and confidence that may be exhibited at Boston should be reciprocated by the President, I should not be (161) surprised if the same produce an equivalent coolness and disaffection amongst old friends and partisans. There are more than one or two aspirants carefully watching and weighing all that occurs, or is omitted, in the course of this Presidential journey.

I went to town on the day of the President's arrival to offer my respects. He received me, as he received others, in an obliging manner; asked me to dine with him, which I did. I invited him to come and dine with me. He would if he could; by which I understood that he would not, as he did not. I was invited to accompany the President to West Point, which I did not. He asked me to meet him at the fortifications at the west end of this island. I met him there, and went with him to Sandy Hook. The President came down to the fortifications in the steam frigate, which had been undocked and prepared for this service. Although manned with a numerous and skillful crew, and the distance only ten miles, it was four o'clock P. M. before the frigate arrived at the fortifications, demonstrating in this experiment the entire failure of this expensive project as a moving battery. With the most careful attention and management, they were unable to force the frigate through the water, at a rate which would have enabled her to move to attack, or to escape from, an enemy. In the course of the night she returned to the dock. The President remained with the Vice President on Staten Island; and the Connecticut steamboat came down the following morning to carry him to Sandy Hook. During this expedition he spoke to me freely on several public topics, leading always in their relation. He also spoke of his tour, and the considerations that have engaged him to make it; but his observations were general in their nature, and such as cover and conceal details and therefore are little satisfactory. I however perceive no reason to alter my conjecture concerning the present administration. The chief must be influenced by the changes which from time to time occur. I anticipate little harmony or decision of character in his cabinet.

The office of Secretary at War is yet vacant; it has been offered and refused by Lowndes since the refusal of Shelby. Harrison is (162) anxious to obtain it, and for want of a better in the line assigned for the choice may perhaps obtain it, though I doubt his success.

Of the foreign concerns I have heard nothing since we parted. Who is to succeed Mr. Adams, whether Rush, Pinckney, or Derby, I cannot inform you; so that you see, notwithstanding your information, I am not let into all the secrets.

As the President will visit Portsmouth, perhaps something may leak out worth telling. In this case don't be over prudent; I can keep your secret. Swift accompanies the President. Perhaps he may again make you his confidant; he appears now equally assiduous as he manifested formerly an inclination to be, in the anticipation of a different order of men and things. By the by, the *ci devant* Secretary at War made me a short visit some weeks ago. With regards, in which Mrs. K. unites, to Mrs. Mason, I am and shall always be with great regard and respect,

Dear Sir, your obedient and faithful servant,

RUFUS KING.

JEREMIAH MASON TO THE REV. JESSE APPLETON, D. D.

PORTSMOUTH, *July* 3, 1817.

MY DEAR SIR, — You have probably seen that I have resigned my seat in the Senate of the United States. I had contemplated doing it for some time. I have many reasons for staying at home, and very few for going to Washington.

The President is expected here some time next week, if the Boston folks do not kill him with kindness.[1] I will then ascertain and inform you whether he intends to extend his tour far enough to see you. I was told a few days ago, by a gentleman who conversed with him on the subject before he left Washington, that he then intended to go no further than Portland. Perhaps he may be so (163)
much gratified with the attentions of his liege subjects in these parts that he may alter his determination.

As to your other inquiry in relation to his title or address, you have probably seen it learnedly discussed in the newspapers. In conversation with the President I believe it has not been customary to give him any title. The late President was always, in conversation with him, called Mr. Madison; in notes, etc., addressed to him, "The President of the United States," at least this was the case as far as I know. In haste, yours, J. MASON.

After resigning his seat in the Senate, Mr. Mason resumed the professional and social life which had been partially interrupted by his public service in Washington. As this life continued in a uniform course till his removal to Boston in 1832, it may be well to sketch it a little more fully than has before been done.

Portsmouth, New Hampshire, where Mr. Mason so long lived, and where all his children were born, is to-day a cheerful town to a stranger's eye, and they whose lot is cast there find it a pleasant place to live in. It is situated on a beautiful peninsula on the south side of Piscataqua River, with a noble harbor, which is never frozen even in the severest winters, owing to the great rise and fall of the tide, the narrowness of the channel, and the consequent rapidity of the current. The region around it, from its happy blending of land and water, has much and varied beauty. The town abounds with signs of past prosperity, especially with those spacious, wooden houses which prosperous men in New England were so fond of building in former days, suggesting good incomes and large families.

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[1] President Monroe visited Portsmouth after the date of this letter, and by a vote of the citizens was received and addressed by Mr. Mason, who also entertained him at dinner at his house.

In 1797, when Mr. Mason went to Portsmouth to live, it was relatively a place of more importance than now. Its chief sources of prosperity were shipbuilding, for which it had peculiar facilities in its noble harbor and its proximity to extensive forests, and the carrying trade. For both of which it was mainly indebted to the wars of the French Revolution which were desolating Europe. It had many prosperous and enterprising merchants, and an active, thrifty, (164) and energetic population. Its ships were known in every clime, and the commerce which enriched it gave an improved tone to the manners and social habits of its inhabitants.

Mr. Mason hesitated for some time between Boston and Portsmouth as a place of residence, and among the reasons which led him to make choice of the latter was the belief, which many entertained, strange as it may now seem, that the future progress and prosperity of Portsmouth were more assured than those of Boston.

Portsmouth was also at that time a place of more than common social attractions. Even before the Revolution, in the days of wigs, cocked hats, and flowered waistcoats, it was the residence of many cultivated families, and the seat of a generous hospitality; and at the close of the last century its old character remained, indeed made more marked by the wealth which commerce had poured into its lap. The Marquis of Chastellux, who was there in 1782, speaks of seeing handsome women elegantly dressed, of dinners and suppers, and of fine houses richly furnished; and making all due allowances for the rose-colored atmosphere through which a French nobleman may have been supposed to observe everything, enough remains to show that there must have been then an easy, agreeable, and somewhat refined society.

In those days travelling was slow, difficult, and expensive. A journey from Portsmouth to Boston was quite as formidable, to say the least, as a journey to Washington is now. For society the inhabitants of towns in New England were dependent mainly upon themselves, and thus the ties of social life were more closely drawn than now. And then men were not so busy, and time was not so precious, as now. Books, newspapers, and magazines were comparatively rare and thus men and women read less or fewer books, but they talked more, and their letters were longer and more elaborate. Cheap postage has spoiled letter writing. Much time was spent in social visits on an easy and not expensive footing. The elaborate dinner of modern times was unfrequent, but tea parties and supper parties — the latter beginning very little later than the fashionable (165) hour for dinner parties to-day — were common. The gentlemen had their clubs and exclusive social gatherings, which were convivial in their character, sometimes too convivial; and occasionally a youth of promise fell a victim to the temptations of a mistaken hospitality.

In one respect social life in New England has improved since the beginning of the present century. The vice of gaming was more common among respectable people then than it is now. This is not because we are more virtuous than our fathers, but because the craving for excitement which leads to gaming can now find many forms of gratifying itself which were then unknown.

By the cultivated and agreeable society of Portsmouth Mr. Mason was warmly welcomed, and his own nature was social enough to enjoy the attentions which were extended to him. But it soon appeared that his profession was an interest paramount to all others, and that no social claims were ever allowed to interfere with those of his clients. Self interest is ever quick-sighted, and the active men of business in Portsmouth soon found out that every trust committed to his professional charge was faithfully, ably, and promptly discharged. He was not only diligent in business and successful in litigated cases, but he was uniformly prompt in paying to his clients the money he had collected for them. This seems but common honesty, and not worthy of special commendation, but in those days it was by no means a uniform rule among the members of the bar. Money was in great demand and could be turned to good use; and thus lawyers were tempted to keep what belonged to their clients in their own hands as long as possible, and employ it to their own advantage by loan or investment. His charges were moderate, even when tried by the modest standard of that period.

And thus from all these causes his business rapidly increased, as he was always gaining new clients and never losing old ones.

Upon his marriage, Mr. Mason went immediately to housekeeping, for the bad practice of putting young wives into hotels and boarding-houses was not known in those days. He lived for some time in a hired house in the compact part of Portsmouth, but as an increasing (166) family and the growing claims of society and hospitality required larger accommodation, and an assured income justified the outlay, in 1802 he built for himself a large and handsome house, upon a fine and elevated site a little out of the business part of the town. Attached to the house were extensive grounds, including a garden, laid out with taste, and planted with fruit and ornamental trees. In the care of his grounds, and the cultivation of his garden he spent much time and took much interest.[1]

In this house Mr. and Mrs. Mason spent thirty happy and prosperous years, surrounded by their children, and in the exercise of a generous hospitality. Friends and relatives were constantly under their roof as guests, sometimes for long periods.

Mr. Mason's position at the bar at the time of his election to the Senate, was so high and assured that his four years of public service entailed no further loss of business than that which was caused by his absence from his clients; and immediately upon his return he found himself in full professional employment once more and with a cloud of clients around him.

In 1817 his family consisted of eight children; five sons and three daughters, of ages ranging from seventeen to two years; and it is at this period, or a little earlier, that his surviving children's recollection of their father begins.

His way of life was uniform and regular. His working-day always began very early; and for many years, during the winter season at least, he was wont to breakfast alone, before his family had appeared, in order that he might be in his office at a seasonable hour and before the daily stream of business had set in. He dined in the middle of the day, as was then the general custom of New England, and went back to his office in the afternoon. But his evenings were always spent with his family at home, and only an imperative engagement could induce him to depart from this rule.

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[1] Mr. Webster, writing to Mr. Ticknor from Lowther Castle, in England, August 21, 1839, says: "You know all about Lowther Castle; one may safely say of it what Mr. Mason said of his house in Portsmouth, that it is a comfortable shelter against the weather!"

His extensive practice required him to make frequent journeys, and to spend much time away from home. He regularly attended the sessions of the courts at Concord, the capital of the State, and at the shire towns of all the counties in the neighborhood of Portsmouth. He was sometimes called on professional duty to Newburyport, Portland, Wiscasset, Salem, and Boston.

These journeys he generally made in his own carriage, — a chaise in summer and a sleigh in winter, — and as courts of justice wait for no man, neither heat nor cold nor storm could delay his departure at the appointed time. The surviving members of his family well remember the preparations for these journeys in the bitter cold of a New Hampshire winter: the shawls, coats, cloaks, and blankets that were put in requisition for warmth and protection. But Mr. Mason's frame was robust and his constitution vigorous; and during his long practice he very rarely lost a day, or failed to keep an appointment, by reason of illness. But it was his habit, wherever he might be during the week, to pass the Sunday with his family. This was a pleasure to which his children looked forward with confident expectation, and they were rarely disappointed.

Mr. Mason, upon his return from Washington, became much engaged in the celebrated case of Dartmouth College *v.* Woodward, so well known in the professional and constitutional history of the country. The College derived its corporate existence from a charter of the crown in 1769, appointing Dr. Eleazer Wheelock president, devolving the government upon him and eleven other persons named trustees, who were also empowered to fill vacancies in their own body.

Under this charter the College had lived and flourished for nearly half a century, and its corporate rights had never been called in question. But clouds of opposition began at length to muster in the heavens. It was hardly possible that the chief literary institution of the State should help being drawn into the political strife so hotly waged between the two great parties which divided the country. At any rate, the College and its officers had incurred the (168) ill will of the Republican party. Mr. Barstow, the Republican historian of New Hampshire, thus puts the case in defense of the Legislative action of the state: "The trustees of Dartmouth College (so called from the name of its founder and patron, the Earl of Dartmouth), had for a considerable time pursued a course calculated to render them unpopular with a majority of the people. Possessing, under their charter from George III., the power of removing members of their board and appointing their own successors, they had confided the exclusive control of an institution designed for the common benefit to members of a single religious sect and a single religious party. Funds bequeathed to the College for the establishment of a professorship had been applied to purposes partaking of a sectarian character. John Wheelock, himself a liberal benefactor of the College, and the son of its illustrious founder, had been removed by a summary exercise of the powers of the trustees, and a man more subservient to their views appointed in his place."

It is not necessary to inquire how far these charges were true; or to state any facts and considerations in defense of the action of the trustees; the passage is quoted simply as one would cite an authority, or refer to the statement of a witness, in the argument of a suit at law.

The Republican party having carried the State in the spring election of 1816, no time was lost in applying the hand of so-called reform to the College. At the opening of the June session of the Legislature Governor Plumer called their attention to the subject in his message, denouncing the charter as "hostile to the spirit and genius of a free government," recommending a radical change in its constitution and government, and enforcing his recommendations by that specious pretext of the public good which is always summoned in defense of a political majority which has resolved to invade rights of property.

The views of the Executive received the sympathy and support of the Legislature; and on the 27th of June, 1816, an act was passed giving to the State of New Hampshire complete jurisdiction over (169) the College, enlarging the number of trustees to twenty-one, and changing its name to Dartmouth University. Subsequent acts were passed in the same spirit to enforce the authority of the State, and neutralize the resistance of the trustees, who refused to submit to the law, declaring it dangerous to the best interests of society; that it subjected the College to the arbitrary will and pleasure of the Legislature; that it contained palpable violations of their rights, and was unconstitutional.

The Legislature persisted, and by their help two of the original board of trustees, together with the nine who had received their appointments from the Executive of the State, constituting a majority of the whole number, met at Hanover, reappointed John Wheelock to the presidency, and elected William H. Woodward treasurer of the University.

But three fourths of the old board of trustees refused to obey the law, or surrender the property of the corporation; and under their direction, the officers of the old College, retaining a large majority of the students, continued their former course of instruction in apartments procured for the purpose, the college buildings being in possession of the trustees of the new University. Thus there was presented in the small village of Hanover the strange and unseemly spectacle of two institutions of learning struggling for the possession of the same property, and in fierce hostility to each other — a state of things fatal to the usefulness of both, and equally so to the interests of literature and education in New Hampshire.

As might be expected, every man of influence in the State took part with one side or the other, and both parties appealed to the public in pamphlets and newspaper communications; and as an infusion of theology never tends to sweeten political discussion, the controversy assumed an acrimonious character, and abusive epithets were hurled freely by each of the combatants. The popular voice seemed to be on the side of the new University, and in the election of 1817 the Republican party carried the State by a rather stronger vote than in the previous year.

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The old trustees determined to appeal to the law in defense of their rights, and accordingly brought an action of trover against Mr. Woodward, the treasurer of the University, for the recovery of the books of record, charter, common seal, and books of account, which they alleged to be their property. The defendant set up in defense the laws of 1816, and his appointment under them.

The counsel for the plaintiffs were Mr. Mason, Mr. Smith,[a] and Mr. Webster; for the defendant, Mr. Sullivan[b] and Mr. Bartlett.[c] Never was there a case in New England in which more zeal and ability was shown, for the gentlemen who appeared for the defense were superior men and upheld the claim of their client with learning and power. At the June term of the Superior Court in Grafton County, 1817, the case was argued on the part of the plaintiffs by Mr. Mason and Mr. Smith, and on the part of the defendant by Mr. Bartlett and Mr. Sullivan, and continued *nisi* for further argument in Rockingham County on the next circuit.

[a] Jeremiah Smith (1759—1842), was 58 years old when this case was tried in the State Court; had been four times in Congress, judge of the U. S. Circuit Court, Chief Justice of the State Superior Court for 7 years; then Governor of N. H.; then Chief Justice of the State Supreme Court for three years. Was of Scotch-Irish stock; possessed of great and accurate learning and of great natural abilities, but like Mason, he was no orator. Webster said of him: "He knows everything about New England, and as to law he knows so much more of it than I do, or ever shall, that I forbear to speak on that point." (This was written in 1825 to Chancellor Kent).

[b] George Sullivan, (1771—1838.) At the time of this trial, he was 43. "Sullivan was from Irish and Revolutionary stock, a race of soldiers, orators and lawyers. He was attorney-general (as his father was before him, and his son, after him) for 21 years; a classical scholar, well read in the law; and excellent special pleader; swift to perceive, prompt to act, and full of resources. He relied too little on his preparation, and too much upon his oratory, his power of illustration and argument. But neither the Court, the jury, nor the people ever grew weary of listening to his silver tones or his arguments, that fell like music on the ear."—*Shirley's Dartmouth College Causes*, 154.

[c] Ichabod Bartlett, (1786—1853), was but 31, when this case was tried, four years younger than Webster, and died one year after Webster; was called "The Little Giant." He and Webster were from the same town, Franklin, N. H., and theirs were the leading families in it. He served three terms in Congress; was indefatigable in preparation, eloquent in the highest sense, ready, witty, and a popular idol. In the art of gaining verdicts he was confessedly the equal of any engaged in this trial. He was a graduate of Dartmouth; never married; had great tact; came near fighting a duel with Henry Clay, while in Congress. His argument in the Dartmouth College case is given in the 65th New Hampshire Report.

Accordingly at the September term of the same year in Rockingham County the case was argued anew by the same gentlemen, and closed on behalf of the plaintiffs by Mr. Webster.

Mr. Mason opened the case for the plaintiffs. His argument occupies forty pages of Mr. Farrar's report of the case, published in 1819, and is a model of powerful logic, condensed statement, and affluent learning. He maintained that the acts of the Legislature were not binding, first, because they were not within the scope of the legislative power; second, because they violated the Constitution of New Hampshire; third, because they violated the Constitution of the United States.

The decision of the State court was in favor of the defendant, and mainly on the ground that the College was a public corporation; and that between the State and a public corporation there is no contract which the State cannot regulate, alter, or annul at pleasure.

The case was then taken by writ of error to the Supreme Court of the United States, and after a magnificent argument by Mr. Webster, the decision of the State court was reversed in an immortal (171)
judgment by Chief Justice Marshall, on the ground that the College charter was a contract within the meaning of the Contsitution, and thus not within the scope of the legislative authority of a State.

Mr. Webster's celebrated argument has more variety of illustration and more rhetorical finish than that of Mr. Mason's before the State court of New Hampshire, but all the legal and constitutional points taken by the former were anticipated by Mr. Mason, and stated with not less clearness and force.

Mr. Mason felt the deepest interest in the Dartmouth College case, and argued it with all the energy of conviction. In his view it was not simply a controversy between two corporations as to which was entitled to certain rights and property, but the question went deeper than this. It went deeper than the relations between the States and the general government, even to the foundations of civil society itself. He believed the act of the Legislature of New Hampshire to be a piece of legislative usurpation, and that the State had no more right to transfer the property of Dartmouth College to another corporation than they would have to take his house from him without paying for it, and give it to another man. He believed that neither property nor rights would be safe if such powers could be exercised, and he hailed the decision of the Supreme Court as giving fresh security to property and new guaranties to rights.

Mr. Mason had for Chief Justice Marshall a veneration and gratitude such as he felt for no other man, save Washington only; and without doubt, the moral courage and irresistible logic shown by the Chief Justice in this case had no small share in forming this estimate. Upon this point W. H. Y. Hackett, Esq., a distinguished lawyer of Portsmouth, who knew Mr. Mason well, has furnished me with an interesting illustrative anecdote. One day, soon after Calhoun's nullification doctrines began to attract attention, Mr. Mason looked in at Mr. Hackett's office and found him reading one of Marshall's constitutional opinions. Mr. Mason said: "If John Marshall had not been Chief Justice of the United States, the Union would have fallen to pieces before the general government had got (172) well under way. Marshall has controlled the Virginia politicians by the irresistible power of his logic. He carried so many well informed and well intentioned men with him that the mischievous school of Jefferson politicians could not control Virginia against Marshall. Jefferson was a man of many virtues, but he was a philosopher, not a statesman. He and Madison did not quite agree, though they tried to agree. Madison's mind felt the force of Marshall's reasoning, and never quite adopted the Virginia States' rights theories. John Marshall has saved the Union, if it is saved."

After his retirement from the Senate, Mr. Mason kept up a correspondence on public affairs with his friends Mr. King and Mr. Gore. He also heard occasionally from Mr. Daggett, United States Senator from Connecticut, whom Mr. Mason valued as a sound lawyer, a firm Federalist, and a man of amiable temper and genial and companionable spirit. A correspondence begins at this period with Judge Story, which continued during the life of the latter.

CHRISTOPHER GORE TO JEREMIAH MASON.

WALTHAM, *July* 4, 1817.

MY DEAR SIR, — The President is here, he rides hard, visits everything, and in so rapid a manner that it is utterly impossible he should burden his mind with any superfluous knowledge. This day he breakfasted with Commodore Bainbridge at Brookline, inspected an arsenal at Watertown, a cotton manufactory at Waltham, examined Mr. Lyman's villa, stopped at my house, ate a strawberry, bowed and shook hands cordially, returned to Boston to meet the Town oration, the Governor's collation, and the Cincinnati address and their dinner, take tea at Governor Gray's, etc., etc.

I wrote him a note apologizing for not paying my respects in person, and saying if he came in this quarter and could call without inconvenience, I should be happy to see him.

In that note I took the liberty to say "All cherished the hope that his administration would be guided by a single eye to the public (173) good, and that all interests would be alike protected and promoted, and that I was persuaded this would redound to his personal satisfaction not less than to national honor."

Mr. King mentioned that he told him it was his intention to visit me if he possibly could.

To-morrow he visits the Navy yard, seventy four-gun ship, reviews Middlesex militia, dines with the Governor, and spends the evening with Senator Otis. So we go, and the sooner he goes the sooner will the town and its neighborhood be at rest.

With our best regards to Mrs. Mason, I remain,

Your faithful friend,

C. GORE.

JEREMIAH MASON TO THE REV. JESSE APPLETON, D. D.

PORTSMOUTH, *July* 14, 1817.

MY DEAR SIR, — The President came here Saturday in the afternoon and set out for Portland early this morning. We have acted foolishly enough, though not in the magnificent style of the Boston folks.

As you requested, I asked him the first opportunity I had, whether he should proceed further east than Portland. He said he thought not, but did not seem to be entirely determined. I inquired of him again yesterday, when he said he certainly should not. That he had wished to go as far east as he could, but that his progress had been so slow that he could not without great exertion get away from the Western Lakes (where he must go) before the time of the fever and ague. I gave him to understand that if he went down to your College you would probably feed him.

I do not know whether that was the highest possible stimulus for him.

He expressed high satisfaction with New England and the treatment he has experienced from the Yankees.

We are all well. Truly yours, J. MASON.

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RUFUS KING TO JEREMIAH MASON.

GEORGETOWN, D. C., SUNDAY, *November* 30, 1817.

MY DEAR SIR, — Mrs. King and myself arrived here last evening, and the form of habit has set us down again at Crawford's. I don't learn that as yet any of the members have arrived here, though the city is said to be pretty full. We occupy our old apartments together with your room, having had a door of communication opened between it and our front room. We shall both miss and regret the loss of your society; indeed we can hardly conjecture who are to be our associates. Mr. Bailey, on the Capitol Hill, will draw a large portion of the members to his extensive establishment, which as I hear embraces all, or nearly all, the houses between the house where he was last year and that in which Mr. Dallas lived. Mr. Otis has taken quarters of Bailey in Dallas's house. Not having been abroad I have heard no news, except that Mr. Gates, whom we met in our road from Baltimore, informed us that there is to be a contest between Gen. Sam Smith and Mr. Clay for the Speaker's chair. He also said that the President would bring the situation of the Spanish colonies before Congress in his Message. The opposition to Mr.

Clay may mean more than appears on the surface; mean whatever it may, it must have the effect, if I interpret it correctly, to separate him from the administration, and such separation will begin a new division of parties; but we had better defer a little while our speculations on this matter, as at present we see very little into it. Our Boston folks have not been honored by an admission to the cabinet. I allude to the office of Attorney-general. What their late choice of a successor to Mr. Lloyd may do in their favor we must wait to find out. To one who finds instruction, as well as amusement, in observing the new lights which break in upon us, the temper of accommodation, the attachment to new friends, and the desertion of old ones, the correction of past errors, by approving what we had believed to be wrong, and the condemnation of what we have strenuously contended to be right, the scene of this session of Congress will not (175) fail of being sufficiently interesting. But more hereafter. Mrs. King desires me to unite her regards to mine and to present them to Mrs. Mason.

With esteem and respect I am, dear sir, always your obedient and faithful servant, RUFUS KING.

JEREMIAH MASON TO RUFUS KING.

PORTSMOUTH, *December* 10, 1817.

MY DEAR SIR, — I am much obliged by your letter of the 30th of November. Mr. Gore informed me that you had been a little indisposed. Your being so early at Washington is evidence of restored health, as well as of your continued interest in the public welfare. You certainly have few of the old school to help you. I am however most sincerely glad that you continue in the Senate. I feel a stronger inclination to be with you than I intended or expected, when I resigned. But the considerations which produced it, forbid my repenting of that act.

I see by the newspapers that General Smith was soon distanced. He surely had no aid from the administration. The Federal party being extinct, and no other being organized to act in opposition, the present session of Congress must be fruitful in novel exhibitions, affording ample scope for observation and reflection. Nothing like the present state of things has been experienced since the adoption of the Constitution. At the commencement of the government, the deep interest and ardent zeal it excited, brought to its aid and united in action the best talents of the country. I have always supposed also, that there was then exhibited a disinterested patriotism and purity of intention, not often found in the administration of public affairs. One may doubt, without being over skeptical, whether the nation enjoys all those advantages, in an unusual degree, at the present time. For the last sixteen years (I think I may say twenty) the government has been carried on by party spirit. What is now to be substituted? Will patriotism return, or will Executive patronage (176) and influence answer the purpose? I shall not be greatly surprised if the present Congress should be somewhat torpid and inactive. This disorder will however, as I think, be of short duration.

The President's message (of which I received a copy by your frank) is, as far as I have heard, quite satisfactory. The present is not the time for finding fault. The expedition to Amelia Island excites some attention. The suppression of the establishment, I suppose means the occupation of the Island by a military force. I have no doubt of the justice and expediency of suppressing, in some way, that nest of pirates.[1] Had Mr. Adams, while President, done a similar act, there would have been not a little carping at his authority, notwithstanding such "imperious considerations" as are alleged in justification of the present measure. Is East Florida to be included in a similar occupation? I hope there is no danger of our being entangled in a serious dispute for that miserable sand-bank. The recommendation to repeal the internal taxes is what I least expected and most dislike. I had hoped that our experience during the late war had sufficiently demonstrated the danger of relying for revenue wholly on imports. And even were we sure of perpetual peace, what would be a more suitable subject for taxation than the whiskey stills? This is the only tax which tends to an equalization of burdens between the sea-board and interior States. The estimate now given of the produce of the customs and sales of public lands, is, if I rightly recollect, several millions above the estimate in Mr. Crawford's last report. But if the present is a just estimate, the amount may be easily disposed of with the addition of the internal towns. Why not apply the surplus to the payment of that part of the public debt owned by the Bank of the United States which is redeemable at the pleasure of the Government?

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[1] At the close of the year 1817, Amelia Island off the coast of Florida, was occupied by a band of lawless adventurers, who were driven off by orders of the United States Government.

I shall take much interest in the doings at Washington this winter, and shall be obliged by your explanation whenever you can favor me with it without taxing yourself too much. Mrs. Mason joins me in presenting our respects to Mrs. King. With the highest respect, I am sincerely yours, J. MASON.

JEREMIAH MASON TO CHRISTOPHER GORE.

PORTSMOUTH, *December* 24, 1817.

MY DEAR SIR,— . . I have heard little from Washington more than is contained in the newspapers. At the first of the session there seemed to be considerable expectation that Mr. Speaker Clay would place himself at the head of a new opposition. In a letter I have just received, it is said he will probably attempt to push the President in the further discussion which is soon expected on the subject of the South American patriots. But I do not believe he will gain much on that ground. Nor do I believe he will go into opposition. Should he, Monroe will strangle him within one year. I believe, for a short time, at least, we are to be all Federalists and all Republicans. How the Government is to get on, I form no conjecture. The situation is novel. The Government has been carried on so long by mere party spirit, that I expect our rulers will be somewhat perplexed to carry it on by any other principle. They seem already to have lost the scent, and be at fault in the House of Representatives, on the subject of internal improvements. I should not be surprised if there should be experienced some difficulty in getting the Legislature into action. What is to be the stimulus and what the guide? Is there sufficient force of enlightened patriotism? Or is the executive patronage and influence so greatly increased, of itself sufficiently powerful? What I most regret is the repeal of the internal taxes. Who would have expected that the direful experience of the last year of the late war would have been so soon forgotten? I hope your health is confirmed or continues to improve. Please to present my, with Mrs. Mason's, best regards to Mrs. Gore. I am as always, dear sir, affectionately yours, J. MASON.

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RUFUS KING TO JEREMIAH MASON.

GEORGETOWN, D. C., *January* 3, 1818.

DEAR SIR, — I received and am obliged to you for your letter. As yet nothing of interest has occurred in Congress; the apathy which appears to exist must not be regarded as evidence that no strong passions are concealed, and waiting only for an occasion to show themselves. An opposition will arise. The President has no zealous friends nor enemies; but as a sufficient number of rivals may be pointed out, the quiet aspect of things will not continue. Perhaps a difficulty is felt concerning the questions on which the for and against the President are to show themselves. I shall not be disappointed if the report concerning Roads and Canals be the occasion that will be used to form an opposition, at least in appearance. If, as is supposed, a large majority disagree with the President in his construction of the Constitution, and after a debate of the question shall vote accordingly, it will be a beginning; and the next debate, that may be on a question to recommend to the President to receive a mission from Buenos Ayres, (which the President may do without such advice,) may more clearly disclose personal views and political hostilities, and terminate in the more distinct appearance of a new opposition.

The South American question, just as I have stated it, is one in which great unanimity is said to exist among the men of the West, and therefore a favorable occasion for their leader to appear and to draw towards him the regards of those who may be willing to elevate and follow him.

Crawford, it is whispered, cannot support himself on his salary, and talks of retirement. Whether this be the real motive, or an unwillingness to figure in the approaching contests, or whether the whisper be correct, we know not.

Mr. Clinton will be backed by the mammoth State, as Mr. Giles called us, and his canal is persuasive also, in Ohio, Indiana, and among the back men of Pennsylvania. Mr. Adams is understood (179) to have the favor of all the good patriots of New England, and John Holmes at their head is to be his Guy of Warwick. All these competitors, whose numbers, by-the-by, lessen trouble to Mr. President, will make rare sport for the amateurs. To be a little more sober, I think it is quite impossible as yet to determine what new controversies or parties, are likely to arise. So far as I can conjecture, the remnant of Federalism here is disposed to look on. Mr. Otis of Boston has been with us, but left the Senate a week ago or more to hold his court, which will continue the suits and allow him to return. If he really expected anything, I fancy his hopes were not raised by the weeks he passed here.

With sincere esteem and respect, I am dear sir,

Your obedient servant, RUFUS KING.

DAVID DAGGETT TO JEREMIAH MASON.

WASHINGTON, *January* 5, 1818.

MY DEAR SIR,—Your favor of 28th December is received. Should the bill for internal improvements be passed after the declaration of the President, it probably will be done with an intent to support an opposition, and this subject will be resorted to as the most popular. The requisite majorities can hardly be expected, and it is not *certain* that they will be desired. The Federalists, as you justly remarked, can make no opposition. They are quiet and, as far as I know, disposed to remain so. Can a government constituted like ours long continue in the torpid state which now appears? A patronage of millions will be an object of ambition. You can believe that at least three gentlemen are not unconcerned about the next Presidential election, and at least three hundred have some anxiety about elections or appointments of less importance. In this condition, what more natural than that another party should arise?

Materials are not wanting to form it. These remarks are, of course, *inter nos.* In connection with the foregoing observations, you will bear in mind the thorny state of our relations with Spain, and the (180) strange situation of our affairs at the South. Is Amelia Island ours by conquest? What shall we do with it and its inhabitants and garrisons? Assuredly we may look for matter of much interest from these sources, and you perceive a great conflict of opinion among "brethren of the same principle" on this subject. If the Executive is supported in his views, by *some* of his principal officers, others *may* think and act very differently.

Enough of prophecy. A bill for a bankrupt law is again reported (I think the one of the last session). A very general, not to say universal, opinion exists in favor of such a law. The discussion of its details will doubtless be tedious, but I think it will pass in some form. The mercantile interest demands it. It now seems absolutely necessary to relieve the nation from partial, and, I may add, swindling insolvent laws. A system of internal revenue, in my judgment, is just and proper at all times, but I heartily concurred in the late repeal, because the land stamp had already been discontinued, and the license tax and carriage taxes are vexatious and unequal. Indeed, when Congress refused to continue the land tax, I considered the system as destroyed. We cannot in this country maintain such a system in any times except those of immediate peril.

And now, with my kind regards to Mrs. Mason, a word for her. Mrs. Monroe opened her drawing-room (in the Palace), for the first time this season, on New Year's day. The weather was fine, and the assemblage brilliant and numerous. The Furniture is more splendid than I had before witnessed; but of this, as well as of the dresses, I can give no description for want of the appropriate language. Mrs. Monroe wore an Italian hat with a very beautiful white plume, and she so contrived both, as to set off, to the best advantage, every iota of her handsome face. Her deportment was graceful and dignified. It is well understood that dining parties and levees are to be continued as formerly, but Mrs. Monroe *declines returning* visits. Our session has hitherto been very peaceful; no subject will probably create much agitation, except that which (181) regards the Southern patriots and pirates. Probably the judiciary may undergo some important revisions, but of this I am by no means certain. Aaron Burr once said, that “Every legislature was a d—d Jacobinic club with respect to the judiciary.”[a]

I shall at all times hear from you with pleasure, and should anything occur here worth communicating, and perhaps without such occurrence, you shall hear from me.

Very sincerely yours, DAVID DAGGETT.

[a] Aaron Burr (1756—1836). American political leader and Vice-President of the United States, was born in Newark, N. J., the son of a clergyman and educator of the same name. He was noted for his sententious sayings. For instance:

1. “Law is whatever is boldly asserted and plausibly maintained.”
2. “As to a compromise, move slowly, never negotiate in a hurry.”
3. “Never do to-day what you can do well tomorrow, because something may occur to make you regret your premature action.”
4. “It is an affront to exhibit to others a face of gloom.”
5. “*They say!*’ Those two little words have done more harm than all others.”
6. “Of all animals, authors are the vainest; no eulogies of their works can be too gross.”
7. “I have left in cash two half-pence, which is much better than *one* penny, because they jingle, and thus one may refresh one's self with the music.”
8. “The Scriptures are the most perfect system of truth the world has ever seen.”
9. “I never knew a memory which retains accurately names and dates to be accompanied with much invention, or fancy. It is almost the exclusive blessing of dullness. The mind which perceives clearly, adopts and appropriates an idea, and is thus enlarged and invigorated. It is of little moment whether the book, the time, or the occasion be recollected.”
10. “My idea of a devil is composed more of malice than of meaness.”
11. “To render any reading really amusing, or in any degree instructive, never pass a word you do not understand, or the name of a person or place of which you have not some knowledge. You will say that attention to such matters is too great an interruption. If so, do but note them down on paper, and devote an hour particularly to them when you have finished a chapter or come to a proper pause. After an experiment of this mode, you will never abandon it.” (Webster had a habit of closing a book which he had read, and if there was anything peculiarly interesting or striking, laying it up in his memory, by repeating it to himself, and if he could not do this, go over it again, and thus make it his own.)

JEREMIAH MASON TO JOSEPH STORY.

PORTSMOUTH, *January* 6, 1818.

MY DEAR SIR, — I feel myself much obliged by your letter. I do not expect to attend the session of the Supreme Court of U. S. this winter. Although I had become somewhat tired of Washington and its bustle, I confess I should like to see again, for a short time, some of the faces collected there. But were there no other reasons, my engagements at our Superior Court would prevent my undertaking that journey at the present time. I am endeavoring to pick up my old law habits, which, as you once told me, are usually much endangered by a residence among the politicians of Washington. I noticed the movements in Congress towards a new organization of the courts, and think it probable something will before long be done on that subject. There may be differences of opinion as to the form and manner of organization of them, but the better informed will agree, as I think, in the necessity of establishing in some way new circuit courts. It is not probable those courts will be made to consist of the present district judges, as has been sometimes talked of, but new judges will probably be appointed. I am fully sensible of the value of your favorable opinion, and of the kindness of the wish you express of seeing me in a judicial office. I do not think it necessary or proper for me, in speaking to you on this subject, to affect any prudery. Could I suppose myself tolerably qualified for it, such a situation must (182) doubtless be acceptable to me. It would be unwise for me to say thus much publicly. For, however willing I might be to accept it, I should not dare flatter myself with the expectation of the offer of such an appointment. Should there be occasion of appointing judges in this circuit, so numerous would be the applicants, such interest would be made, and such management used, that there would be little chance of the offer being made to me. I have no reason to suppose myself personally obnoxious to the ill-will or displeasure of those whose duty it would be to make the selection. But I know of no ground on which I could found any special claim of merit with them. In the present state of public opinion and feeling, no reason is apparent why a very strict conformity in political creed would be deemed necessary. Were that the case, I could profess no readiness to abjure heresies, but I could safely declare that according to my view of the mysteries, *you learned doctors* of the orthodox sect are in the constant habit of indulging both in word and deed in all the heresies and sins I feel any affection for.

I have just been reading in the second of Gallison, your opinion on the admiralty jurisdiction of the courts of U. S. I intend to read it again, and with more minute and critical attention. As far as I understand the subject, I really think you have settled the question. I have also read your decision concerning G. W. Campbell's remission of penalties.[1] Should he chance to see it, he will certainly think there is a necessity for establishing new courts.

I am, with much esteem and respect, dear sir,

Sincerely and faithfully yours,
J. MASON.

JOSEPH STORY TO JEREMIAH MASON.

SALEM, *January* 9, 1818.

MY DEAR SIR, — I have the pleasure to acknowledge the receipt of your favor of yesterday. I hope that Congress will create (183) circuit courts on the plan of the Judicial Act of 1801; and I shall use all my little efforts for this purpose. In case a new system passes, I do not think that the President ought in the slightest degree to consult political opinions; but ought to select the ablest and the best men. It seems to me that this course is so obvious, both for the dignity of the government and the good of the public, that the President will have no adequate temptation to deviate from it. In relation to candidates for office, I should on ordinary occasions feel a delicacy in approaching the Executive; but as to judicial appointments, especially within my circuit, I feel it almost a duty to give him exact information. If therefore, a new court is created I shall certainly bring before him the merits of the various professional gentlemen who are entitled to be considered as candidates for such appointments. I shall do this on public grounds, and shall most explicitly recommend you for the highest judicial office, because I am most decidedly of opinion that your learning, talents, and rank equally entitle you to it. I need not add that I shall in no degree feel myself prompted to this act by my private friendship and respect for you, strong as these are, but by motives of public good, by a desire to sustain the honor and the independence of the Bench, and through them of the government itself. In addressing myself to the Executive, however, I shall carefully abstain from the slightest intimation to him that you would accept such an office, or even that I felt at liberty to entertain such an opinion. This course I deem proper, lest I should otherwise seem to seek what ought to be most earnestly sought by the government itself. Perhaps I may be wrong in supposing that I shall have any influence with the Executive in such an appointment; but if so, I am sure he cannot be ignorant of the very high rank which you hold in the profession, and how entirely acceptable to the public would be your appointment. If anything should occur of a decisive character, I will do myself the pleasure of writing you from Washington, whither I go in about ten days. If I shall have the good fortune to have your suffrage as to the Admiralty Jurisdiction, (184) it will greatly strengthen my opinion, which I confess I have not yet seen the least reason to change.[1]

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[1] Mr. Mason refers to the case of The Margaretta and Cargo, 2 Gallison, 515.

I am, with the highest respect,
Your most obliged friend and servant,
JOSEPH STORY.

JEREMIAH MASON TO JOSEPH STORY.

PORTSMOUTH, *January* 15, 1818.

MY DEAR SIR, — I feel myself not only much obliged by the kind sentiments, but much honored by the favorable opinion expressed in your letter of the 9th instant. If the Administration and their confidential friends will assent to it, I have no doubt the best chance for success in attempting to amend the judiciary establishment, would be on the plan of the Act of 1801. That would save the labor of getting up a new bill, and settling the details, and would also have the advantage of experience on its side. When this subject was talked of the last session, it was said that the then President and his friends would not like a revival of the old Act of 1801, for fear of the appearance of inconsistency in reviving an act they had formerly repealed. I know not whether there was any foundation for the suggestion. I heard it from no authority. I should not think it probable that Mr. Monroe would, at the present time, be influenced by any such apprehension. Were it admitted that when that act was repealed there were sufficient reasons for it, surely it cannot be said those reasons now exist. The circumstances of the country are materially changed, and the duties of the judiciary vastly increased. Of this, the frequent application for new courts from various quarters, is sufficient evidence. In letters from Washington, I am told there is considerable talk of doing something on this subject, but that the result is very uncertain. In (185) one of them is repeated a saying of A. Burr, "that every legislature, in their treatment of the judiciary, is a d—d Jacobin club." There is certainly nothing in a good judiciary likely to attract the favorable regards of a Legislature in turbulent party times. The dominant party in such times can expect no aid in furtherance of some of their measures from the judiciary. Indeed, both parties having unreasonable expectations of aid from the judiciary, are usually disappointed, and are apt to view it with jealousy. And as it has nothing to offer to appease or attract either party, neither will hazard much for it. The Legislature at present seem greatly relieved from the influence of party spirit. The situation is new, and affords ample matter for observation and reflection. It may not be easy to foretell what the government would do were this quiet state of peace to continue long enough for the adoption of permanent measures. Would to God the experiment might be fairly tried. But it is whispered at Washington that a new party is soon to be formed. I know many idle conjectures are constantly formed and buzzed about in that place, and sometimes gain a degree of credit they are in no way entitled to. I can see the recurrence of no cause likely to produce any strong party division during this Congress. Whatever produces it must be in relation to the next Presidential election, which is yet too remote to justify the exposure of arrangements for it by any candidate. But however this may be, I certainly think the present a very favorable time for the Legislature to act on the subject of the judiciary. Should the executive government be favorably inclined to an establishment similar to that of 1801, I think there is great probability of its being effected. Against the wish of the Executive and encountering the obstacles which that department can easily raise, I do not believe anything can be done on the subject.

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[1] Judge Story here alludes to his judgment in the celebrated case of De Lovio *v.* Boit *et al.*, 2 *Gallison*, 398, maintaining that a policy of insurance is a maritime contract, and therefore of admiralty jurisdiction. After much discussion, and some difference of judicial opinion, the doctrine of this case has been recently affirmed by the Supreme Court of the United States in Insurance Co. *v.* Durham, II Wallace, I.

I am, dear sir, with much esteem and respect,

Truly and faithfully yours,

J. MASON.

(186)

JEREMIAH MASON TO RUFUS KING.

PORTSMOUTH, *January* 27, 1818.

DEAR SIR, — I am much obliged by your letter of the 3d of January. I had not supposed it probable that the rival candidates for the next Presidency would have exhibited themselves at so early a period. The next Congress would seem to be soon enough for that. A premature exposure of their pretensions must tend to the security of the present incumbent. It is reported here that Mr. Monroe intends *bona fide* to make his Secretary of State his eventual successor, and that he will in due time give evidence of such intention. Of course we are all to give our utmost aid to secure the inheritance to the present occupant, during his lawful term of eight years, in hopes thereby to obtain the reversion to ourselves. In confirmation of this, it is said the Secretary is very desirous of keeping New England quiet. That he has advised his friends in Massachusetts not to set up a candidate, nor make any opposition to the reelection of Governor Brooks. I believe the latter report to be true, and that his advice will have good influence.

If the President is attacked for his conduct towards the patriots of South America, New England will, as I think, support him. Indeed, be the ground of attack what it may, the Yankees will not at present join in it. They have become tired of opposition, which has given them no profit, and not much credit, and are now inclined to try the opposite course, and sing the "Vicar of Bray."[a] While in opposition, our force being paralyzed by division, we effected nothing. Shall we have success, when united in a course of subserviency?

My namesake, of Boston, I am told, is disposed to act a considerable part.[1] He is to occupy neutral ground, and perform the office of mediator. I know little of him personally, but have lately heard pretty good judges, who knew him well, declare that he had capacity and talents of a higher order than the public give him credit (187) for. His election gave no dissatisfaction to many of the Bostonians, who ostensibly favored the election of his opponent.

The good people of Massachusetts are desirous of relieving Mr. Otis[b] from the burden of one of his offices. I am informed that it is firmly determined that he shall quit either his judgeship or office of Senator. The lawyers of Boston, some of whom want the aforesaid judgeship, complain loudly. A late statement by the judges of the Supreme Court to the Legislature, proposing the imposition of more duties on the judges of inferior courts, bears directly on him.

I hope a Bankrupt Act will pass this session. The act of 1801, not being well understood at first, was in some of the States badly executed. The system had just become familiar when it was repealed. The vesting of the appointment of commissioners in the President, by a subsequent act, was in my opinion injudicious. The President, not having the requisite knowledge of characters, is less able to make proper selections than the judges. It is also, as I think, expedient that the commissioners should be dependent for their appointments on the judges, which would best secure a diligent attention to their duties. As their doings come often under the examination of the courts, their misconduct or negligence being known would prevent a reappointment, if to be made by the judges.

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[a] A disputed English character, who lived in England, born 1540, died 1588.

[1] Mr. Jonathan Mason, who was a representative from Boston from 1817 to 1820.

[b] Harrison Gray Otis, (1765—1848), a nephew of James Otis, noted as an orator, Graduated from Harvard, 1783; practiced law in Boston; succeeded Fisher Ames in lower House of Congress, where he became a decided opponent of the Jeffersonian party; was judge of the Court of Common Pleas, 1814-18; attended the Hartford Convention, in 1814; elected to Federal Senate, 1817, where he distinguished himself in the debates over the Missouri question; was defeated as Federalist Governor of Massachusetts, in 1823; elected Mayor of Boston, 1829; published in 1848, an open letter advocating Zachary Taylor for the Presidency. He also published *Letters in Defense of the Hartford Convention and the People of Mass.*, (1824), though Mr. Mason endeavored to dissuade him therefrom.

I am, dear sir, with high respect, your faithful servant,

J. Mason.

JEREMIAH MASON TO CHRISTOPHER GORE.

Portsmouth, *January* 29, 1818.

My dear Sir, — I am much obliged by your letter of the 6th January. It seems there is a confident expectation at Washington that a new opposition party is soon to appear. All my information tends strongly to that point. I did not expect to see much of an opposition this session, or even during this Congress. And I still am inclined to believe the Washington prophecy antedates this (188) event one year at least. You know the politicians there, having leisure enough for it, are apt to amuse and sometimes heat themselves with reports of plots and conspiracies which never existed, except in imagination. While we were there, many reports of similar nature gained credit for a time, and then ended in nothing. As far as I understand, it is expected that Mr. Speaker C. is to head the opposition, and to rest himself at present chiefly on the President's treatment of the patriots of South America. In that warfare, I think Mr. C. will find few allies on this side the Alleghany. I believe the nation generally, with the exception of the Western men of war, is well satisfied with the conduct of the government toward the Spanish Colonies. If there be any fault, it is in not sufficiently restraining the fitting out privateers in our harbors under the patriotic flags. This neglect will be no crime in Mr. C.'s view. Whether the expulsion of Commodore Aury and his renegadoes from Amelia Island, and the occupation of it by our troops, can be justified under the Secret Act of 1811, or whether it comes within the general scope of the executive power, may be very doubtful. But as it is generally assented that something of the kind ought to have been done by somebody, the President's authority will not be very severely scrutinized, unless some misfortune to the country comes from it, which it not probable.

He must take care that Aury, now desperate, does not, after being dismissed with his privateers, indemnify himself for his loss at the expense of our merchants. Perhaps it would have been as well to have hung him, and confiscated his vessels, which, if he is a pirate (as the President asserts), was our proper security against future trouble. Neither on this, or any other subject, can an attack be made at this time on the President, with any prospect of support. The nation at large seems to like the present tranquility, and freedom from party altercation. It has the recommendation of novelty. I think no new party can be formed but with a direct view toward the next Presidential election, which is too remote for present calculation. If Mr. C. pursues this project with his usual boldness and want of (189) caution, he stands a good chance of being strangled at the end of two years. Mr. Adams' advice to his friends to support Governor Brooks, shows his anxiety to keep the good people of Massachusetts quiet. He will certainly be somewhat perplexed with your State claim. I suppose your friends are not desirous of preserving that source of popularity any longer, but are willing to have it extinguished. Your Legislature appear to be disposed to relieve Mr. Otis from the burden of one of his offices. His declining the proffered military rank has no effect. Will he abandon his salary or senatorial dignity? If the latter, you will have to look out for two new Senators, as I am told Mr. Ashmun intends this for his last visit to Washington. Mrs. Mason, as usual, desires to unite with me in regards to Mrs. Gore. I am, dear sir, with unabated esteem,

Sincerely and affectionately yours,

J. Mason.

DAVID DAGGETT[a] TO JEREMIAH MASON.

Washington *February* 10, 1818.

My dear Sir, — Yours of 26th January was duly received. I now send you a pamphlet just published by Charles F. Mercer. It may afford you a moment of amusement, but I am quite sure the perusal of it will give no real pleasure to either of the parties. Perhaps you have read the speech of Mr. Thompson's successor, on the slave trade.[1] Judge Tait, whom you know sits just behind me, and is not the most placid man in Christendom, was so enraged at it that I was obliged to interfere and tell him that M. was a good Republican, and yet I thought if he did not preach better in future, his license ought to be taken away. The Democratic press at Philadelphia is attacking Clay with great virulence. The author is a certain Mr. Inchiquin[2] of "blessed memory." Bledsoe in the Senate, and Bibb in the House of Representatives of Kentucky, you see are aiding (190) in the Spanish patriot cause; and Pope and his friends, in their turn, are lashing Clay for his opposition to Monroe. Talbot told me, last evening, that every member of their Legislature ought to be put in irons for making their thirty-nine new banks. He says by their charters, not a dollar of specie capital is required, and that it is done from hostility to the National Bank. I think Kentucky is in a very hopeful way. Their Legislature is to pull down Old Spain and overturn the National Bank, and their College or University is to furnish the world with sound literature and religion under the auspices of President Holley. The claim of Beaumarchais is again pressed upon us. It will probably now undergo a very thorough investigation, and a report will be made which will terminate the question one way or another. It is very hard to bring either House into discussion of the Bankrupt Law, or into anything relating to the judiciary. Topics of more immediate interest, though of minor importance, take the preference. I forgot whether I told Mrs. Mason about Queen's drawing-room and her dining-table. They are splendid enough for any *Republic.* The plates are of beautiful French china, with the American coat of arms in the centre. The *plateau* (I believe they call it)

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[a] David Daggett, (1765-1851), of Connecticut, was 54 years of age at this time, and one of the foremost lawyers of his day, afterwards Chief Justice of Connecticut, and one of the greatest jurists that ever honored that position; was for twenty years a lecturer on Constitutional Law, at the Yale Law School;

U. S. Senator, 1813-1819. He was a strong Federalist, a master of invective, wielded a ready pen, and in sarcasm and repartee, reminded one of Dean Swift. He died in 1851. He was born three years before Mason and lived three years longer.

[1] Mr. Daggett here probably alludes to a speech by Mr. David L. Morrill, Senator from New Hampshire, on the African slave-trade, delivered in the Senate, January 12, 1818. — See Benton's *Abridgement,* vol. vi. p. 16.

[2] Inchiquin was the pseudonym of Charles J. Ingersoll.

is magnificent beyond anything I ever witnessed. Mrs. M. does not return visits. Her daughter, Mrs. Hay, and niece, Miss Goreman, act for her in that ceremony. Mrs. Adams (J. Q.) is taking the same course, which, as will easily be imagined, causes some heart-burnings. We have a very pleasant time in the Senate this winter. I think you would be more pleased were you with us, than at any former session. The thorny questions about the war, seem to have subsided, except those growing out of the Massachusetts and Connecticut claims; they will linger and finally be paid. Old Father Morrow takes good care of the land; Mr. Tait nurses the navy; Williams adheres closely to the military; and Goldsborough, to the District of Columbia. The city is now thronged with strangers, and many of them of much consideration. The Supreme Court, as you know, is sitting, and that brings some distinguished men. (191)

Meade's affair[1] has excited some spirit in the House; it will probably lead to nothing of much importance. With particular remembrance to Mrs. Mason,

I am very sincerely yours, DAVID DAGGETT.

RUFUS KING TO JEREMIAH MASON.

March, 1818.

DEAR SIR, — I ought sooner to have acknowledged and thanked you for your letter; but having nothing to communicate of any consequence, I have omitted, and for the same reason might still omit, to do what civility required. Except the Bankrupt Bill, which has been rejected in the House of Representatives, no measure of importance has been even debated. The West and the South seem to have arrayed themselves against the Bankrupt Bill. This is hardly fair; as we have stipulated in favor of the security of their labors, and in doing so, in some sort disregarded long settled opinions in relation to slavery among ourselves, we might in return expect that in a matter about which they are little concerned, and scarcely at all interested, and which so deeply and exclusively affects the commercial States, they would be disposed to consent to a measure that the experience of all the commercial nations has sanctioned.

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[1] Richard W. Meade, an American citizen, and navy agent of the United States at Cadiz, was imprisoned in Spain upon a judgment obtained against him in the courts of that country as assignee of a bankrupt. The House of Representatives adopted a resolution to support the President in any measures he might adopt to obtain his release.

Perhaps the measure may hereafter be resumed and with better success. I perceive no material difference in Congress now, from what it was at the commencement of the session. There is no party for, and none against, the President. Should the latter appear it would probably create the former. There are whispers and sneers, about too much formality, etc., rich furniture, and a reserve somewhat beyond the plainness and simplicity of republicanism.

The Cabinet too is said to be ill assorted; its members mutually jealous of each other and not over often consulted. How these (192) things may be I am not able to tell you. I can well imagine that the Department of State and that of Treasury are not very likely to be cordial or confidential. Rivals do not consult each other, nor are they more likely than others to agree in opinions in which they have no personal concern. The Secretary at War[a] is a young man, with honorable views, so far as I have understood them, but at present cannot be supposed to have great influence in any direction; and as to the Secretary of the Navy,[b] his value must everywhere depend on his being placed so that he may count something. Of the Attorney-General[c] I have heard very little; personally I am not able to say anything. The Virginians say, as our friend Lewis used to do, that he is a high-minded man; though as a lawyer I have heard that Webster appeared with great advantage in opposition to him in the Boston question, turning on the point of State or United States jurisdiction. The President continues that same course of profession which was so engaging in the course of his eastern tour. This is more befitting a Secretary of State, who decides nothing, than the President who decides all things. I think it cannot be continued without becoming insipid, unless he gratifies by performance, as well as by expressions of regard and good will. That he would do so, I am disposed to believe, if he dare; but notwithstanding we are all Federal-

[a] John C. Calhoun was Secretary of War.

[b] Benjamin W. Crowninshield, of Masschusetts, was secretary of the Navy.

[c] William Wist, of Virginia, was Attorney General, entering upon his duties November 15, 1817.

ists and all Republicans, that means in the sense of the motto of the Prince of Wales, — we may all support but only a part be rewarded.

If Mr. A. or Mr. B. have believed by broad avowals of fidelity and support, that the past would be forgotten, and that they would be permitted to share the children's bread, they will find themselves, at least for a time, and I cannot tell for how long, disappointed.

That New England is ready to serve and support, I do not doubt; but yet for a time the government will be critically situated, if it can be supported only by a majority that would not exist without New England. So much for domestic affairs. A word or two respecting foreign concerns.

Our Spanish negotiation is just now at a stand, and the (193) Department of State is soon to send in a report, that will show that we are now precisely where we were in 1805. Spain concedes nothing; the United States relaxes nothing. Spain would cede the Floridas for the Territory of Louisiana west of a line a few miles west of, and corresponding with the Mississippi. This we decline, and Spain is told that when she shall offer a more reasonable arrangement, the United States will receive and consider it. In this state of things, England announced that she had been desired by Spain to mediate between her and us; that she had answered, that to do so she must also be asked by us. To this communication England has been informed that we decline her mediation, as we shall do the mediation of any other power,—this claim is added to preclude a like offer from Russia.

The South American question is assuming new interest. Russia has sold four ships of the line and three or four frigates to Spain; and the money that England is said to have engaged to give Spain to accede to the abolition of the African slave-trade in 1820 is to pay for these vessels.

The sale of these ships was not known, until publicly announced either by the English Ministers in Petersburg or Spain. It excited some attention in England and Lord Cathcart was ordered to ask an explanation of the Court of St. Petersburg, and whether Russia was about to take any part with Spain against the colonies. The answer was, that the transfer was a mere fiscal operation: the sale of ships not wanted for money much wanted; and that Russia would take no part between Spain and her colonies; and considered the sale of the ships as an unessential and mere fiscal affair. These ships are destined to accompany a grand expedition against Buenos Ayres; and as Mexico is almost or entirely tranquillized, treasure from this quarter to a great amount has been, and is in the course of being remitted to Spain, with which ships, soldiers, and the other things requisite for the expedition are to be obtained and dispatched so as to reach Buenos Ayres toward the month of (194) September and in season to enter upon their operations in the spring of that hemisphere.

While all these things are going on, the views of England are understood to have undergone a change in respect to the dispute between Spain and Portugal. The latter seized upon Monte Video on the River Plata. In the course of the last summer a strong note was delivered to Portugal by the five great powers, which was nearly equivalent to a demand that Portugal should deliver up Monte Video to Spain. This has not been done; and England, as is said, is now of opinion that Portugal ought not to deliver up Monte Video until the question of the independence or submission of the Spanish colonies be determined. As it is almost indispensable to the projected expedition that Spain should have Monte Video, this change of policy in England is a very significant proceeding.

That England has altered her views, though not certain is very probable. She has announced to our government that she has been desired by Spain to mediate between her and the colonies; that she has as yet decided nothing, but that she will mediate only on the basis that South America shall be commercially independent, that her trade shall be equally open to all nations, etc. England has promised further and full communication on this subject to our government. Now such a mediation terminating successfully is to Spain equivalent to the loss of her colonies.

In these circumstances if Congress take the subject of America into their consideration, they ought in prudence to postpone any decision, and so I think they will do.

These views and communications of England seem to look to the breaking up of the great European alliances, to a state of things in which England may be more and more excluded from continental connection, and more and more impelled to look to arrangements in America and with the United States, that shall prevent their association with those who may hereafter and at no remote day combine against her.

But this, as you must perceive, is mere speculation. I cannot even (195) review the sheets that I have filled; if you can make them out, it will cost you I fear much more than they are worth.

Yours truly, R. K.

JEREMIAH MASON TO CHRISTOPHER GORE.

PORTSMOUTH, *March* 5, 1818.

MY DEAR SIR, — During the last four weeks, I have been constantly engaged in the business of our Supreme Court, which has occasioned the delay in my answering your two last letters. I am confident the accommodations for your boys at Judge Peabody's will prove satisfactory. I had not supposed it would have been agreeable to him, and for that reason probably should not have applied to him. If my children go, I should prefer that place for them to any other in Exeter. I am not yet determined as to sending them. We have a young man here under whose instruction they are now doing much better than heretofore.

Of late I have heard very little from Washington. I do not think anything of much importance is doing there. I am sorry they did not pass the Bankrupt Act. On the whole I think it would prove beneficial to the commercial interests of the country and not injurious to any other. The present Congress have shown as much ingenuity as their predecessors, in getting up great debates on little subjects. They have certainly shown a very notable disposition that way in their proceedings relative to poor old St. Clair and the other Revolutionary worthies. What can be the cause of this extraordinary zeal towards these relicts? I do not expect Congress will do anything of much importance till new parties shall be formed, and of that there seems no immediate prospect. In most cases there will be so many conflicting views and interests, that a majority will seldom be found united for action in any important matter. Perhaps this state of apparent apathy and indolence is not to be regretted. The irritation and excitement of past years, has certainly done no good to the better side, and I do not believe their (196) continuance would do any good to the best interests of the country. I agree with you, that Federalists have nothing to expect in the way of appointments to office from the present administration. Were this a main object with them, as it certainly ought not to be, there is no probability of their soon attaining it by any probable change. The old Federal doctrines, as first delivered by the true apostles of that faith, will never again be extensively professed. But with new glasses, I think, they are coming gradually into use. The truth is, you ancient apostles expounded your doctrines in a manner ill-suited to the corrupt taste of your hearers. You flattered none of their appetites, but insisted that they must love and practice virtue for its own sake. You divided the saints from the sinners, and the latter being always a majority soon burst open "the doors of honor and confidence." It is not probable they will soon consent to have these doors shut against themselves. As there is no chance of reclaiming these sinners, I do not think it worth while to be constantly preaching to them or quarreling with them. The offer of England to mediate between us and Spain, at the desire of the latter, looks as if the misunderstanding was of a more important nature than I had supposed. I think with you, our government would do wrong to accept the mediation. I cannot believe there is any manner of danger of war from that quarter. The motion of Mr. Forsyth in the House of Representatives, for information of the state of the negotiation, can be intended only to frighten the Don. Mrs. Mason desires to join me in kind regards to Mrs. Gore.

I am sincerely and affectionately yours, J. MASON.

CHRISTOPHER GORE TO JEREMIAH MASON.

WALTHAM, *March* 20, 1818.

MY DEAR SIR, — The parties at Washington seem to be forming under the two questions, — of South America and the appropriation for canals. Clay and Forsyth appear to put themselves forward as the champions. (197)

England, in her sweet and amiable disposition, is to give Spain four or five hundred thousand pounds for her consent to abolish the slave-trade at some future day. This sum is to be paid to Russia for the ships supplied by that power. Russia was asked by England at

Petersburg, if she meant to depart from her neutrality, and take part with Spain against her colonies. The reply was definitely no. She only merely sold the ships. England will mediate between Spain and her colonies, on the condition that the latter shall have a free trade with all the world without preference to any part. Such a mediation would be useless to Spain. England has explained herself partially, and promises that she will fully, to the United States.

Spain and Portugal are at variance, as you know, about Monte Video. Last year, as you will recollect, the allies delivered a strong note on this subject. England now, we are told, has taken the part of Portugal, and wishes her to retain possession of Monte Video, at least temporarily. One would suppose from these things, the alliance was not like to continue forever.

The state of the war in South America is not accurately known. Spain, we understand, will make one great effort about September next to conquer her rebellious subjects. If she fail then, her case must then be considered desperate. As in all probability the colonies will at no very distant day be free from the metropolitan country, it seems advisable to many now to show their good dispositions in order for future favor.

I regret with you that Congress did not pass a Bankrupt Law. Such a system is necessary to commercial States, and for that reason I presume was not acceptable to the South and West, with whom our patriots seemed to unite. Our best regards to Mrs. Mason.

Sincerely and affectionately, I remain
Your friend,
C. Gore.

(198)

DAVID DAGGETT TO JEREMIAH MASON.

Washington, *March* 18, 1818.

Dear Sir, — I thank you for your letter of 5th inst. Tom Paine, speaking, or rather writing of some one, says, "He went up like a rocket and came down like the stick." That is evidently true of a certain great man from Cyrus King's district. He has attempted as a politician, so much wisdom, and such a desire to be admired by *everybody*, that he has ceased for weeks to be regarded by *anybody*. His friends, however, still uphold him as a lawyer, but in the Dartmouth College Cause, he sunk lower at the bar than he had in the Hall of Legislature. The opinion was entirely universal, that Webster rose superior even to Wirt, (though it is said that *he* appeared very well,) and infinitely so to Holmes.[a] The great question of internal improvements, seems almost jaded down. Clay has not succeeded at all at this game. Monroe has gained rather a triumph. Probably it will not be agitated again at this session. The *skirmish* respecting the petition of the patriot agent, proved very unfortunate for the opposition. It is said that the Speaker will certainly propose that some of the Provinces shall be acknowledged independent, and that on that question he will come out as large as life against Mr. M. He will, however, be foiled.

The furniture question will make some noise. It seems an appropriation of twenty thousand dollars has been greatly exceeded, and that the House is still almost empty. I tell our good Republicans to be quiet; Republicanism always adores show and parade in its friends. Have you seen a history of "Pinkney's Embassy to Naples?[1]" I'll send you a copy by this mail, if one is to be had. (199) It seems he undertook to be very cunning, but on the whole, the Italian was up to him. That mission was indeed disgraceful, and the Senate degraded the body by yielding to Madison's impudence. Its issue is such as all men of forecast predicted.

I hear little and see nothing of Adams. He declines calling on Senators, I understand, and his wife refuses to return the visits of the ladies. He however gives parties, and is, I am told, quite splendid. Of his political course nothing is said, except once in a while it will be gently suggested that it is out of the question as to his being President. We have a valuable acquisition in Burrill and Crittenden. Eppes is a man of some grit, and not troublesome. Barbour continues his *ore rotundo* eloquence. "My maxim, Mr. President," said he the other day, "is *fiat justitia ruat coelum*, and leave the *balance* to Heaven." His wife has been here with him, and is a very excellent woman, as many of the Virginia ladies are. If my business will permit, I shall visit your place the ensuing summer, in which case I shall certainly call on you and Mrs. M., to whom please tender my regards.

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[a] John Holmes was a famous kaleidoscopic politician, and a power in the land in his day; 45 years old when he attempted to reply to Webster in the Dartmouth College case, at Washington; born in Massachusetts, 1773; graduated at Brown University, 1796, with Tristam Burgess, Dr. Shurtleff, and other celebrities; came to bar in 1799, and that year settled at Alfred, in the town of Sanford, County of York, and that part of Massachusetts then known as the district and now as the State of Maine, and which was admitted into the Union two years after the argument in the Dartmouth case. Holmes was not without talent;

[1] "William Pinkney, the former ambassador to London, appointed in Bayard's place as Minister to Russia, had been also commissioned to take Naples in his way, and to ask payment for the vessels and cargoes formerly confiscated by Murat. But the restored Bourbon Government seemed to think it strange, as appeared from the correspondence now laid before Congress, that this demand had never been pressed upon Murat himself during the years he had continued in

Yours very respectfully,

DAVID DAGGETT.

JEREMIAH MASON TO RUFUS KING.

PORTSMOUTH, *April* 13, 1818.

MY DEAR SIR, — I am greatly obliged by your letter (without date) received about three weeks ago. I was struck with your views of our public concerns, some of which were entirely new to me. I think the present session of Congress, which has been so peaceable and done so little, must terminate in worse humor and with less placid prospects than it commenced. Storms threaten sooner than I expected. I had anticipated for the country a few years of quiet rest, during which the strong jealousies and angry (200) passions might, in some measure, subside. I still think a great

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had much self-conceit, always cool and self-possessed; was a scheming, busy, restless, rollicking politician. Had broad, course wit, stinging repartee, more than once silencing John Randolph, and delighted the hoi-polloi, and kept every country bar-room in a roar by his questionable stories, but was out of place in Marshall's Court, pitted against such a man as Webster, as it was possibly to be. He had neither taste, time, inclination, the mentality to grasp, prepare and argue a case like this.

power. They disclaimed any responsibility for the acts of a usurper by whom they had suffered still more than the Americans; and notwithstanding the display of a naval force before Naples,—the new seventy-four *Washington*, and several sloops-of-war,—Pinkney had left for Russia without being able to obtain any recognition of the claim."—*Hildreth's History of the United States*, vol. vi. p. 610.

1. LAWRENCE ABBOTT.
3. JOHN RANDOLPH.
2. HORACE BINNEY.
4. JAMES MADISON.
5. ICHABOD BARTLETT.
6. EDWARD EVERETT.
8. JOHN C. CALHOUN.
7. ANDREW JACKSON.

majority of all political parties are desirous of remaining at rest. They have become fatigued with party dissensions, and expect no benefit from their continuance. But our people are so easily excited, that a little matter will answer the purpose. I fully agree with you that the President's smiling dispensation of promiscuous complacency must soon cease to have any effect. He may probably soon find himself involved in unexpected turmoil. Among other difficulties which are pressing on him, I do not see how he is to dispose of the subject of internal improvements which he flattered himself he had got rid of, with great adroitness, by requesting Congress not to quarrel with him about it. With his professed opinion, how can he assent to the appropriation of money for this object. Under the management of corporations created by the States, as seems to be intended by Congress, this indirect mode of pursuing the object does not, as I think, free the measure in any degree from the supposed constitutional difficulty, but subjects it to other weighty objections.

Both from the manner and matter of Mr. Adams' answer to poor Don Onis, I infer that the administration has no fear of a war with Spain. There are many obvious reasons why Spain ought to avoid a conflict with us. But if her councils are as weak and mad as is generally represented, there can be no safe reliance on her prudence or forbearance.

I have been somewhat amused with Mr. Pinkney's statement of the result of his mission to Naples. I wish our merchants had their rights; yet recollecting the degrading manner in which his renomination was pressed on the Senate, I cannot much regret to see the exact fulfillment of your prophecy. The bill prohibiting British vessels from their colonies from an entry in our ports, which passed the Senate so unanimously, excites considerable attention in this quarter where that trade is deemed of importance. The expectation is that the British will succumb, as they did in the case of the (201)

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Plaster Act of the last session.[1] Should this expectation be disappointed and the trade be destroyed, it will cause much clamor among our traders. I think, however, it will be better for the country in the end that the trade should be destroyed than to be carried on as it now is by the exclusion of our vessels.

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[1] An act approved March 3, 1817, forbidding the importation of plaster in foreign vessels from countries whence vessels of the United States were not allowed to bring it.

I am sincerely and faithfully yours, J. MASON.

JEREMIAH MASON TO MISS MARY E. MASON.

PORTSMOUTH, *April* 19, 1818.

MY DEAR MARY, — I advised you when at home, so fully, on what I thought required your strict attention, that it may seem unnecessary to enlarge on those topics. But my affection for you and anxiety for your welfare induce me to restate a few ideas.

To arrive at great excellence in any of your pursuits, you must entirely conquer all that indolence and listlessness, to which, either from natural disposition or habit, I fear you are a good deal subject. You must acquire more energy and force of mental exertion. This is to be attained by a vigorous and continued exercise of the powers of the mind. By such exercise, those powers will be greatly increased and sharpened. None of your studies are better calculated for this purpose than composition. I wish you therefore to pay special attention to it. Write long pieces. After reading and thinking on the subject on which you are to write, express your ideas, in the first instance, rapidly and boldly, as they occur. The great object is to secure the ideas; this must be done without much attention to their dress. You may afterwards, at leisure, dress them in the most appropriate language you can, and if necessary, new-model the sentences. This however is a matter of minor importance. If you have good strong ideas, you will soon learn to express them well enough. In attempting composition you must not suffer yourself to be restrained by diffidence, or false delicacy, but exert boldly (202) all the powers you have. Never encourage with yourself a low and mean opinion of your own talents. This is often the effect of mere indolence. In most pursuits, a firm resolution to excel, and persevering diligence, will secure success. Without them nothing very estimable ever was, or will be attained.

This same zealous and ardent exertion, with resolute perseverance, is necessary for your success, whatever be the object of your pursuit. Even in manners and external accomplishments, nothing can be done without it. I strongly urge your attention to this, because I fear you are somewhat deficient in this particular. I hope the plain manner I use will not hurt your feelings. No other would be likely to do any good.

I suppose Alfred has given you all the family and town news.

Your affectionate father, J. M.

RUFUS KING TO JEREMIAH MASON.

CRAWFORD'S, *April* 21, 1818.

DEAR SIR,—I yesterday received your obliging letter of April 13, in which you acknowledge the receipt of one from me without date. Congress adjourned last evening. Except laws that will require the payment of a good deal of money out of the treasury, we have done nothing that is mischievous, as a great many private money bills did not pass by reason of the delay in getting them sufficiently forward. The evil is not as great as a longer session would have made it. The pension to Revolutionary officers and soldiers will, as I expect, turn out much greater than was anticipated. The comprehension of all who served for the term of nine months and more, was imprudent.

I was inclined to have confined the provisions to the officers, but could meet with no support. The soldiers were paid high bounties, and clothed and fed. Not so the officers. I would have gone as far as to include all the soldiers who were in the Continental army when it was discharged, but this was discrimination, and (203) it was with difficulty that the militia was shut out. The sailors go in, notwithstanding their prize money.

For manufacturers, we have raised the import duty on iron in bars, from nine to fifteen dollars per ton, with a correspondent increase of the import on nails, spikes, and iron castings. The twenty-five per cent. on cotton and woolen goods, which was limited to 1819, has been extended to 1826, by which time, with this encouragement, our own manufactures will or ought to be so established, that coarse cottons and fine woolens may perhaps be prohibited from abroad.

We have moreover passed a navigation law that, after September, closes our ports against British vessels coming from British ports closed against American vessels. This is a strong measure, but called for, as I believe, by a just regard for American navigation. We are independent of Great Britian for supplies of sugar, coffee, rum, etc. Whether she be alike independent of us for live stock, provisions, bread-stuffs, timber, lumber, staves, and heading is to be now ascertained. Perhaps the ports of Bermuda and the Bahamas, which are open to as, may still enable the English ships to carry on a disproportionate share of this intercourse; if so, we must go further when we see the operation of the new law. It must be made effectual so far as to secure to us an equal share at least of the navigation. If England still continues to say that we have nothing to give her for admitting out money and ships in her East Indies; we may say in return: Be it so if you think so; but if you will not allow us to go and buy your East India fabrics, we will not allow them to be brought by you to our country, nor indeed will we allow them to be used or consumed by our people; in a word, the letter and spirit of the law (which passed with great unanimity, and which never at any former time would have passed at all), closes our ports against British vessels from any British port or place closed against American vessels.

I gave all my heart and all my strength, with all my hopes of success to this measure, which in principle is incomparably the most important law ever passed on this, and perhaps on any other (204) subject. England at this day, by the extension of her commercial stations throughout the world, and the application of her navigation law to this extension of dominion, has effectively monopolized a great portion of the navigation necessary to carry on the commerce of the world. As respects others she is now more disproportionately in possession of the general commerce of nations than the Dutch were in the middle of the seventeenth century; and our laws must check her, as her navigation laws have checked and broken down the Dutch. Don't understand me that I expect or desire any breaking down of England; but I do hope that, if faithful to ourselves, we shall oblige England to let us in for a fair share of the general trade carried on between the nations of the earth. Farewell.

Yours, R. K.

JEREMIAH MASON TO RUFUS KING.

PORTSMOUTH, *May* 15, 1818.

DEAR SIR,—I thank you for your letter of 21st April. I have understood from the first that the Navigation Act was yours. I am sensible of its importance, and am glad to learn that it accords with the public sentiment more universally than could have been expected. To attain your object, probably other acts regulating the intercourse with certain licensed ports will be necessary. With that view the favorable inclination of the public opinion to the measure is very important. I think it is matter of deep regret that we have not a more able man as minister at London, to explain our objects and prevent irritation.[a] From the importance and idle loquacity of the present minister little can be expected. I have been told you may have a re-election to the Senate, if you should be inclined to accept it. I most ardently wish that both you and your State may be so disposed. I am confident that a great portion of the best men in the country, and including very many of the better informed Democrats, would consider your absence from the public councils a national loss. I hope no ordinary consideration will induce you to (205) retire. In the breaking up of old party connections, and the consequent unsettled state of feelings and opinions, it is impossible to foresee what new views and objects may be speedily presented.

Among orthodox candidates for the chief magistracy no one presents a character eminently entitled to public confidence. I received, by your frank from Philadelphia, an English paper containing a letter from our Governor Plumer to Mr. Bentham. The Governor certainly did not intend that letter for a newspaper. I think it is best he should hear of it before he makes his speech to the Legislature. There is, however, no danger of his doing any mischief in this matter. It is impossible to make our Legislature sufficiently understand Bentham's impracticable projects, to induce them to attempt their adoption. His Utopian plans are too deep, as well as abstract, to attract the attention of any of our Legislatures. Mr. Bentham, as I suppose you know, addressed a circular to all our governors, after having been rejected by Mr. Madison and the Emperor Alexander. His system, as far as I understand it, is the supposed result of reason, applied to the nature of man, without any regard to previous laws, habits, and prejudices. This may suit metaphysicians, but would make sad work with everybody else. As the good people of Connecticut are about forming a new plan of government, I should like to see them try an experiment with Bentham's system.

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[a] Richard Rush, of Philadelphia, late Attorney-General of the United States, was our Minister to England. Born 1780, died 1859. He was a native of Philadelphia; graduated at Princeton, 1797; admitted to the bar, 1800; Attorney-General of Pennsylvania, 1811; Attorney-General of the United States, 1814-16; in 1817, was for a short time acting Secretary of State, and was that year sent to England as Minister Plenipotentiary, where he remained till 1825; Secretary of the Treasury, 1825-29; candidate with J. Q. Adams for Vice-President, in 1828; was sent to secure the money left by James Smithson to found the Smithsonian Institution, by Jackson, in 1836; Minister to France, 1837-51.

I am sincerely and faithfully yours, J. MASON.

RUFUS KING TO JEREMIAH MASON.

JAMAICA, L. I., *May* 19, 1818.

MY DEAR SIR,—I received this evening your obliging letter of the 15th, and as my frank will expire to-morrow, I avail myself of it to make you my acknowledgments, and to say a few words on the subject of my continuance in the Senate. I am neither informed, nor curious to be so, whether there is a disposition in our Legislature to reappoint me. I shall neither decline nor solicit a reappointment; and should that event happen, would continue to take my seat (206) so long as my own comfort and convenience would permit me to do so.

You are correct. Ulterior provisions may and probably will be requisite to carry the Navigation Act into effect. I with you regret that we are without an able man in England, and the more so as I have little or no expectation that England will view this law in the light that they ought to consider it; they will be likely to look back to former acts intended to disserve them, which we have revoked because we found that they disserved ourselves. The present measure rests upon this proposition,—the trade, or rather navigation, must be reciprocal, or it must not be allowed to exist. The greatest difficulty that I anticipate is in the regulation of the intercourse between our frontiers and the contiguous English provinces. The question is wholly untouched at present. We shall be better able hereafter to examine it, as well as the intercourse that will be carried on with the colonial free ports. Our next session may probably be an interesting though short one.

With regards to Mrs. Mason, I remain, my dear Sir, with great regard,
Your obedient and faithful servant,
RUFUS KING.

JEREMIAH MASON TO RUFUS KING.

PORTSMOUTH, *December* 13, 1818.

MY DEAR SIR,—If I had any sufficient apology for my negligence in having so long omitted to write you, I should not fail to avail myself of it; as the matter is, I can only assure you, it has not been occasioned by any want of respect or affection.

I know you must have been rejoiced to hear that Mr. Gore has, in some measure, recovered his strength and health. I saw him in October, when he appeared much better in all respects than he has at any time since his sickness at Washington. Mr. Webster, who was here a few days ago, says he continues to gain strength and that his friends entertain hopes that he may recover the use of his (207) lame knee. If he does, I hope he will not again attempt the severe exercise he formerly used, and which I believe was injurious to him. Judge Story showed me last autumn a letter which he had received from your friend, Sir William Scott. The Judge had sent him several volumes of "Reports of Decisions in the Supreme Court of the United States," and I believe a volume of cases in the circuit. Sir William speaks of our courts in terms very civil and complimentary, and expresses his satisfaction at seeing certain principles acknowledged, the application of some of which by him, we have heretofore supposed bore rather too hard on our neutral rights. He invites a continuance of the correspondence, with which the Judge is, as he ought to be, much gratified.

You had at the last session subjects of more interest and importance under consideration than had been generally expected. The same is likely to be the case at the present session. The concerns of the nation are increasing, both in number and extent, with a rapidity far beyond ordinary calculation. The inquiry authorized by the House of Representatives into the doings of the Bank of the United

States, excites considerable interest in this quarter, where all feeling on political subjects has for some time been apparently extinct. You know we are supposed to love money better than anything else. I do not perceive in what way that inquiry can do much good. I know but little of the doings of the Bank. In its origin, we supposed it was intended to be made in a special manner subservient to the views and interests of its patrons. I presume, from the stories of Bank speculations which are told, that object has been attained; this evil can be prevented by no other means that I perceive than a radical change in the direction, and I know not how that is to be effected, except by a change in the ownership of the stock; this, if any remedy, must be a slow one. A miserable branch was established in this place and placed under the management of officers and directors entirely unsuitable for the trust; no application was made to anybody here worthy of confidence to name proper persons to take charge of it. I was appointed in the (208) first board of directors, at whose nomination I never knew nor inquired. Not liking the company they had associated me with, I immediately declined having anything to do with it.

From the "Proceedings of Jackson's Court Martial," it seems the two unfortunate men he executed were in no way guilty of the charge of having acted as spies. If so, I see no ground on which their execution is to be justified. I fear this hasty and sanguinary act will be found to be entirely unjustifiable.

I do not know what credit to give the newspaper report, that a treaty is concluded with England, embracing all the points in dispute. From the notice in the President's message, that it had been agreed to extend the period of the duration of the present convention, it was not expected a new treaty was so soon to be entered into. If such a treaty has been made, I presume your Navigation Act must have been greatly conducive to it.

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[a] Andrew Jackson (1757-1845). A Tennessee soldier, statesman and farmer. He helped frame the Constitution of Tennessee; Representative in Congress, 1796; United States Senator, 1797; Judge Supreme Court of Tennessee, 1798-1804; hero of War of '12; first Governor of Florida; again United States Senator, 1823; had the highest number of votes for President of United States, but not a majority, 1824, and the choice was thrown into the House of Representatives and J. Q. Adams was chosen; President of United States, 1829-37. Had unbend-

Mrs. Mason joins, me in best respects to Mrs. King, who, we are informed, is with you at Washington.

I am, my dear Sir, as ever sincerely and faithfully yours,

J. Mason.

ing will-power, an abhorrence of debt, public and private, and during his presidency the debt of the United States was fully paid in 1835; disliked banks, and the love of hard money, justice and his country were ruling passions. Fought many duels, was chivalrous with women; retired after the presidency to the "Hermitage," consisting of about 1,000 acres, some twelve miles out from Nashville, Tenn., where he died.

CHAPTER VI.

Correspondence during the Years 1819 and 1820 — Letters to and from Mr. King, Mr. Gore, Mr. Webster, Dr. Appleton, and Judge Story, — Mr. Mason a member of the New Hampshire House of Representatives in 1820. — Report and Resolutions upon certain Resolutions of the State of Virginia upon the Admission of Missouri, sent to the Governor of New Hampshire.

CHRISTOPHER GORE TO JEREMIAH MASON.

WALTHAM, *January* 20, 1819.

MY DEAR SIR,—You will perceive by Governor Brooks' speech, or rather message, that he has been induced to join in hosannas to the present administration, and to express an entire confidence in our national rulers. This may be presumed to have arisen from a disposition to conciliate Mr. Monroe's friends to the claim of Massachusetts for the reimbursement of her expenses in the last war. Its efficacy I doubt. It is not easy to discern, if the Legislature respond to this sentiment as was intended how Massachusetts can have any other candidate for the Presidency at the next election, if power continues in the present hands.

Mr. Adams seems to have taken the course in his essay on the Seminole war and the murder of Ambrister and Arbuthnot,—for I feel it to be this crime,—which his enemies would have pointed out to him as most calculated to promote their views.[1]

If Mercer does justice to the subject,— and I am much inclined to hope and believe he will,—I think the noble Secretary will writhe under the lashes which he has most indiscreetly and unnecessarily courted.

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[1] Arbuthnot and Ambrister were two British subjects, tried by court martial for aiding and abetting the Seminoles in their war with the United States in 1818. Arbuthnot was condemned to death, and Ambrister to be whipped and imprisoned; but General Jackson ordered them both to be executed. This affair,

Your faithful friend,
C. GORE.

JEREMIAH MASON TO CHRISTOPHER GORE.

PORTSMOUTH, *January* 31, 1819.

MY DEAR SIR,—I doubt whether Governor Brooks' lofty praise of Mr. Monroe will have much tendency to procure the allowance of your militia claim. The course adopted by the minority in your Senate will, in my opinion, have a much stronger tendency the other way. Had your Legislature humbled themselves before the Government of the United States by adopting the resolution proposed by General King, it might have had some effect. It must be a considerable object with the Government of the United States to have the question concerning the command of the militia amicably settled in its favor. And the quiet, humble submission of Massachusetts, the great State of this section and constant leader in all rebellions, would go far to settle it. As long as it shall be believed at Washington that you may be brought to this submission, your claim will not be admitted without it. Whether you would not by such course lose more in character than the money is worth, ought to be considered. I think the best way for the Federalists would have been, fairly to have met and discussed the subject in Congress, and if rejected, as it probably would have been, to have said no more about it. While the matter remains at it now does, the claim will be a standing bribe to the Federalists to degrade themselves, and if not effectual for that purpose, it will in the end bribe the good people of Massachusetts to elect rulers who can adopt the proposed resolution without feeling any degradation. I agree with you in opinion of the character of General Jackson's conduct, and am glad to see the subject taken up with so much spirit in the (211) House of Representatives of the United States. I hope the debate

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which caused much excitement both in England and America, illustrates General Jackson's iron will and reckless disregard of consequences, as well as the unbounded influence which he had acquired by his successful defense of New Orleans. Mr. Adams, to the regret of many of his friends, defended General Jackson's course.

will terminate in a censure of Jackson. I really think it a national concern. The barbarous conduct of Jackson and his court-martial, and not less barbarous doctrine by which it is attempted to be justified, will, unless disclaimed, disgrace us in the opinion of the civilized world. My winter courts are just commencing, in which I expect to be shut up for the ensuing five weeks. I do not greatly dislike the labor of itself, but, unfortunately, the subjects of litigation in our courts are for the most part too trivial and unimportant to excite much interest. Mrs. Mason and Mary desire me to present to you and Mrs. Gore their kindest regards.

I am sincerely and faithfully yours, J. MASON.

JEREMIAH MASON TO RUFUS KING.

PORTSMOUTH, *January* 31, 1819.

MY DEAR SIR,—Last summer I neglected my duty by omitting to write to you. In the first part of the present session of Congress, I did write to you, and on both occasions I have met with a like reward in your silence.

The discussion, still going on as I suppose in the House of Representatives, concerning General Jackson and his court martial, excites very considerable interest in this section of the country. I am of opinion that Mr. Adams has lost credit with his New England friends, by his bold attempt at a jusification. I think it unfortunate for him that he did not confine himself to the repelling of the complaint of Spain, where there seems to be much ground for recrimination at least, without attempting so broad and entire justification of the whole transaction in all respects. I see no ground on which the execution of Arbuthnot and Ambrister can be justified, nor much in the circumstances of the case to excuse the act, which must, in the common opinion of mankind, be held to have been cruel and barbarous. I presume there is no real apprehension that Congress will attempt to obtain a forfeiture of the charter of the (212) Bank of the United States. The stock may now be purchased several per cent, below par. I am told it is the opinion of some shrewd men in money calculations, that it will soon rise again above par. It would seem probable this will be the case, if the direction gets into better hands, unless the concerns of the Bank have been so badly managed as to occasion a great eventual loss. I know you cannot have troubled yourself to have formed any opinion on this subject as to money-making projects, yet you probably have an opinion of what will be the result. If so I shall be obliged to you for it. I have thought of investing a sum of money in the stock of the Bank. What is the probability of a change in the Board of Directors at the next election.

With my best regards to Mrs. King, I am, as always,

Sincerely and faithfully yours,

J. MASON.

DANIEL WEBSTER TO JEREMIAH MASON.

WASHINGTON, *February* 4, 1819.

MY DEAR SIR,—Since my arrival here, I have been all the time in court, and can therefore as yet say nothing more than I have seen and heard here. Most of the judges came here with opinions, drawn in the College cause. On the other side a second argument, as you know, was expected. Dr. Perkins had been a week at Baltimore, conferring with Mr. Pinkney. Mr. Pinkney came up on Monday. On Tuesday morning, he being in court, as soon as the judges had taken their seats, the Chief Justice said that in vacation the judges had formed opinions in the College cause. He then immediately began reading his opinion, and, of course, nothing was said of a second argument. Five of the judges concurred in the result, and I believe most or all of them will give their opinions to the reporter. Nothing has been said in court about the other causes. Mr. Pinkney *says* he means to argue one of them; but I think he will alter his mind. There is nothing left to argue on. (213)
The Chief Justice's opinion was in his own peculiar way. He reasoned along from step to step; and, not referring to the cases, adopted the principles of them, and worked the whole into a close, connected, and very able argument. Some of the other judges, I am told, have drawn opinions with more reference to authorities. Judge Bell's case I expect to come on in two or three days. I am

alone in it, and must do as well as I can. I have not been in Congress; and have seen very few members. The House is yet in the Seminole war; afterwards comes the Bank, and near to that, I think, comes the third of March. I do not think there is any chance for the Bankrupt Bill, or the Circuit Court Bill, this session. I have not seen Mr. King. It is not thought here that he will be re-elected. I shall write you again, as soon as I have acquainted myself with the topics that float in the Congress circles. Mr. Bagot returns to England in the spring. Yours truly,

DANIEL WEBSTER.

RUFUS KING TO JEREMIAH MASON.

CRAWFORD'S, *February* 7, 1819.

DEAR SIR, — I received last evening your letter of the 31st past. As I in due course received that which you were good enough to write to me in the beginning of the session, I have had no reason for my omission in writing to you in return, not having anything of interest or importance, except what the newspapers publish, to communicate. I have, except the little tittle-tattle to you, written rarely to any one.

The Jackson debate, which has been going on for three weeks, unless terminated last night, still continues, and it is quite likely that it will be also taken up in the Senate, though altogether against my inclination. I misinterpret very much the true meaning of this debate, if other objects than to criticize and censure Jackson have not a prevailing influence in the bringing it forward, and ascribing to it so much importance. The periodical election of President is (214) without doubt the only plan by which the executive could, or should in the actual condition of the country, be provided, but it is not and cannot be doubted, that this election, except perhaps in rare instances, such as those of Washington and Jefferson, — will at all times employ the vigilance, awaken the hopes, and excite the passions of a large portion of the public men of the nation; and in a special manner will it have this effect on every question that rouses the passions or excites the prejudices which always exist in popular governments.

Whether new combinations and positive efforts will show themselves at the next election is more than I can determine; but I think that the attempt to substitute a successor, is as likely to occur as not to occur. This must be left to the future. The Bank fever — for it really amounts to fever — is quite another affair. The bad administration of the officers of this company, the little fulfillment of the expectations and predictions that the projectors of the bank encouraged and made, the positive difficulties of the country by reason of the number of banks and the excess of paper, have produced a very general·dissatisfaction, and the disappointment is altogether ascribed to the Bank of the United States.

You well understand how very few men have any correct notions on the subject of money as a currency; and will therefore easily comprehend the confusion of ideas, the utter ignorance of a correct theory, as well as the rash and intemperate measures, which, in the present critical, and in my view dangerous condition of the currency may manifest themselves. According to what I hear, the House of Representatives are without any guide or plan. They are angry and intemperate; and the difficulties of the State Banks, especially in the interior and western world, prepare most of the members from these quarters for any measures which would put down the Bank of the United States. Proposition on proposition unfavorable to the bank, without a word from any one by way of excuse or support, may, — and if the course be persisted in, probably will — shake the public confidence, and create a run on the bank and its branches (215) which they may be unable to meet. If the Bank of the United States stop, all the other banks south of New England must stop also, and we may be thrown into even a worse condition than we were at the close of the war. My own wish has been that the stockholders should be convened; that they should purge the direction of all the speculators and stock-jobbers; that they should apply for authority to reduce their capital, which might be done without difficulty to the amount of the hypothecated shares (some eight or ten millions); that the President in co-operation with the stockholders, should name four men of very respectable standing as the government directors, and that the new board should go to work soberly, diligently, and with all the information which they possessed or could acquire, to administer the Bank with prudence, and so that it might in some satisfactory degree fulfill the expectations of the government and the public. But whether this or any other good course will be adopted, I am unable to say; or whether the House of Representatives may not disapprove every attempt to correct the past errors and mistakes which have been committed, is beyond my power to predict. I say nothing of the Senate, where the subject is scarcely spoken of. The Jackson case engages much of their attention; and if I read men correctly a majority of the Senate, some from one, others from another motive, would pass a vote of censure on Jackson, thereby imparting censure to the President, and his minister Mr. Adams.

You will see the new treaty with England. This being effected, Mr. Bagot, having obtained leave of absence, is soon to return home; as the Wellingtons are in great consideration — through them he may expect a more agreeable mission.

From France we have nothing, and I believe expect nothing. It is said Gallatin desires to come home; it has been said so for a year or more, but he has not asked for leave.

Erving is coming home from Madrid. He asked leave of absence on account of health — it will be granted, and he will be laid by. (216) Forsyth will succeed him, and will be nominated at the close of this session.

Don Onis has received further instructions, by which he is authorized to yield the Floridas, the United States taking their claimants off from Spain and engaging to satisfy them; and instead of the line of the Sabine from its mouth to its source, and thence north to the Missouri, and up the same to the Rocky Mountains, and along the Rocky Mountains north or south to the forty-first degree of latitude, and on that parallel to the Pacific, heretofore offered by Spain as our western and southern boundary, Don Onis is said to be now authorized to take the Sabine from its mouth to its source, thence north to the Red River, and up the same to certain high lands far west, along the same northerly to the Arkansas River, up the same to the Rocky Mountains, along the same northerly to the forty-first degree, and so to the ocean on that parallel.

It is said the Western people here object, and insist on going west on the Gulf of Mexico, to the Colorado River. What are the views of the Executive, I do not know; but I have not the smallest hesitation in the opinion that we ought immediately to conclude with Spain on this boundary. We have enough, more than enough of west-

DOLLY MADISON,
(Wife of James Madison.)

ern territory, and it is the highest imprudence to grasp at more. Having settled the north boundary of Louisiana with England, our people cannot be restrained from emigrating further and further to the West. Two, three, some say five regiments are to be sent to the mouth of the Yellow Stone River, which constitutes the great fork of the Missouri; this fork is about fourteen degrees of longitude west of the Mississippi, which is about thirteen degrees west of this place.

The first consequence of this unnecessary project will be an Indian war; and it will be the most formidable Indian war in point of numbers in which we have been engaged; but as these Indians are badly armed, and their country an open one, they will be beaten and the regular army with the numerous body of militia will take a liking to the country, which they will begin to settle, and the (217)

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money expended by the old States will enable them to do so without great inconvenience; especially as the Indian war that will be long and moderate, will continue to furnish the requisite supplies. The demands and strength of the West are increasing daily, and the vigor, decision, and union of the old States decrease in a fully equal degree. I could give you an interesting potion on this subject; but if there be none who care for what is going on, why should one endeavor to excite solicitudes which would be useless and therefore should not be intended.

I am at the end of my paper, so farewell,

RUFUS KING.

DANIEL WEBSTER TO JEREMIAH MASON.

WASHINGTON, *February* 15, 1819.

MY DEAR SIR, — I am determined to write you a letter before I sleep, although this doing nothing I find to be the most busy employment on earth. To talk is so much the practice, that in the few causes I have, I find my attention wholly engaged in listening. We have, for instance, an equity case here from Massachusetts District. Mr. Bigelow, Mr. Amory, and myself argued it in half a day in Boston. It comes up here on precisely the same papers and same points. We have now been two whole days upon it, and Wirt is not yet through for appellee, and I am yet to close for appellant. In Mr. Bell's case, Mr. Pinkney[a] was near two hours in opening, and full four in the close. In that case we have no judgment yet. I think some impression was made on our side, and I have hopes of the issue, but know nothing certain.

I believe the terms of a treaty are nearly settled with Don Onis. United States to have Florida, and to pay our own citizens their claims on Spain, not exceeding five and a half millions. Our Government to appoint a Board of Commissioners to adjust their claims. The Western boundary I do not know; suppose, however, that the mouth of the Sabine on the Gulf, and somewhere (218) near the

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[a] William Pinkney (1764-1822). American statesman and one of the leading lawyers of the United States, born at Annapolis, Md. It was the opinion of Judge Joseph Story, George Ticknor, Jared Sparks, John Marshall, William Wirt, Rufus Choate, Henry Adams, Alfred Salem Miles, Judge R. B. Taney, the historians James Ford Rhodes and John B. MacMaster, that Pinkney had no equal as an orator and advocate at the bar. Says Rhodes: "Pinkney had served his country abroad with ability and honor, but he had won his greatest renown at the bar. When Daniel Webster came to Washington to practice in the Supreme Court, Pinkney was the acknowledged leader of American lawyers, and this surpassing eminence he held to the day of his death, although his position began to be shaken after the Boston lawyer had made the great argument in the Dartmouth College case. Perhaps a perception of Webster's growing power and future rank led Pinkney to say to a friend and biographer that 'he did not desire to live a moment after the standing he had acquired at the bar was lost, or even brought into doubt or question.' "This great lawyer was as vain of a handsome face, accomplished manners, an elegant dress as he was of his legal acumen. Clad in the extreme of fashion, he preferred to be regarded an idle and polished man of society rather than to be looked upon as what he really was, an unwearied student (as S. G. Goodrich, in his *Recollections of a Life-time,* Vol. 2, 399, says: 'Always preparing his speeches with the utmost care, writing out the showy passages, and learning them by heart — a member of Monroe's Cabinet once told me that he heard him about 5 o'clock of a winter's morning, reciting and committing to memory, in his room, the peroration of a plea, which he heard delivered the same day before the Supreme Court.') rehearsing in private the appropriate gestures and rhetorical points, he sought to convey the notion that he spoke on the spur of the moment."—James Ford Rhodes' Hist. U. S., Vol. 1, 34.

Perhaps no better pen-picture can be cited than that of George Ticknor's letters, written to a friend in Boston, in 1815. Mr. Ticknor heard the great lawyer argue on separate days *The Frances* and the *Nereide* cases, before the Supreme Court, in Washington. He wrote: "Pinkney was formed on Nature's most liberal scale, who, at the age of 50, is possessed with the ambition of be-mouth of the Columbia River on the Pacific, are the *termini*. How to run from point to point, I know not. I have no doubt the signing of such a treaty will be announced before Congress rises, though at present it is not wished, I understand, that much should be said about it. The judges' salaries have got through the House. Their fate in the Senate is uncertain, but I think they will get through. The heads of departments will not wish to trust the bill back in the House again.

The Circuit Court Bill, it seems generally understood, will not be brought forward this session. Upon the whole, I am satisfied it should not be. Nothing has been as yet done with the Bankruptcy, and its seems too late to do anything. The question is before the

ing a pretty fellow, wears corsets to diminish his bulk, uses cosmetics, as he told Mrs. Christopher Gore, to smooth and soften a skin growing somewhat wrinkled and rigid with age, and dresses in a style which would be thought foppish in a much younger man. * * * * The display was brilliant. Notwithstanding the pretension and vehemence of his manner — though he treated Mr. Emmett (Thos. A.), for whom I had been much interested yesterday, with somewhat coarse contempt — in short, notwithstanding there was in his speech great proof of presumption and affectation; yet, by the force of eloquence, logic, and legal learning, by the display of naked talent, he made his way over my prejudices and good feelings to my admiration and I had almost said, to my respect. He left his rival far behind him; he left behind him, it seemed to me at the moment, all the public speaking I had ever heard. With more cogency than Mr. Dexter (Samuel), he has more vivacity than Mr. Otis (Harrison Gray Otis); with Mr. Sullivan's (George Sullivan) extraordinary fluency, he seldom or never fails to employ precisely the right phrase; and with an arrangement as logical and luminous as Judge Jackson's, he unites an overflowing imagination. It is, however, in vain to compare him with anybody or everybody whom we have been in the habit of hearing, for he is unlike and, I suspect, above them all. He spoke about three hours and a half (*The Nereide* case), and when he sat down, Emmett rose very gravely. 'The gentleman,' said the grand Irishman, in a tone of repressed feeling which went to my heart, — 'the gentleman, yesterday announced to the Court his purpose to show that I was mistaken in every statement of facts and every conclusion of law which I had laid before it. Of his success to-day the Court alone have a right to judge; but I must be permitted to say in my estimation, the manner of announcing his threat of yesterday, and of attempting to fulfill it to-day, was not very courteous to a stranger, an equal, and one who is so truly inclined to honor his talents and learning. It is a manner which I am persuaded he did not learn in the polite circles of Europe, to which he referred, and which I sincerely wish he had forgotten there, wherever he may have learnt it.' Mr. Pinkney replied in a few words of cold and inefficient explanation, which only made me think less well of him, and impelled me to feel sorry that I had been obliged so much to admire his high talents and success."

Court whether the State Bankrupt Laws are valid. The general opinion is, that the six judges now here will be equally divided on the point. I confess, however, I have a strong suspicion there will be an opinion, and that that opinion will be *against* the State laws. If there were time remaining, the decision, should it happen, might help through the bill. The question between Maryland and the Bank, is to be argued this day week. I have no doubt of the result. Wirt and Pinkney still talk of arguing one of the College Causes. On our side we smile at this, not being able to suppose them serious. I hope they will not attempt it, as it would only lead to embarrassment about the facts. I should have no fears for the result. I am anxious to know how the decision is received in New England. Our New Hampshire members behaved very well on the subject of the judges' salaries, nothwithstanding this decision. Mr. Swan made a speech, and it is said a very good one, in their favor. Holmes opposed them with great violence. I wrote Judge Bell yesterday. You may say to him that nothing has occurred to-day indicative of a decision,

Yours very truly, D. WEBSTER.

(219)

RUFUS KING TO JEREMIAH MASON.

WASHINGTON, *February* 20, 1819.

DEAR SIR, — Some time since I wrote to you a letter, too long and too unimportant to be worth your deciphering. I now add a few lines to say that the treaty with Don Onis is settled, and the copies are preparing for signature on the 22d, when it will be laid before the Senate.

Spain cedes the Floridas in sovereignty, and in consideration of this the United States release Spain from all claims by American citizens on account of illegal captures, condemnations, etc., etc., and engage to satisfy these claims to an amount not exceeding five millions of dollars. A commission to be established. The commissioners to be appointed by the President and Senate to liquidate and if necessary to apportion these claims. The boundary to be as follows: Beginning at the mouth of the Sabine River up the same to its source, then north to the Red River and up the same to the one hundredth degree of west longitude, thence north to the Arkansas River, and up the same to its source in the Rocky Mountains, and then north or south, as requisite, to the forty-second degree of north latitude and along this parallel to the Pacific Ocean. An article respecting the delivery of seamen deserting from the vessels of the two parties is also inserted in the treaty. The settlement is one of much importance, as it will compose the temper of the zealous and turbulent men of the West who desire and would gladly engage in a Spanish war. As respects land, the Floridas we want; of lands in the West we have already more than enough.[a]

I some time since made a motion to abolish all credit in the future sale of the public lands. A bill for this purpose has passed the Senate, to take effect in July 1820. It should have been on the 1st of January next, and I am in hopes the House of Representatives will fix on this day.

Already a debt of about fifteen million dollars is contracted. The debtors are scattered through and indeed compose the (220) population of four or five new States. Nine laws have in annual succession passed to postpone payments when due. A tenth is on its passage, and during the session a motion was made in the Senate to strike off the interest on the debt. Postponement is matter of course, abatement of interest would follow, and ultimately the release of the debt or separation.

I consider the confining all future sales to cash payment the most important law that has been passed for several years.

Very faithfully your obedient servant,

Rufus King.

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[a] This is in line with Webster's opinion of the West, as when he said, upon a proposition before the Senate to establish a mail-route from Independence, Mo., to the mouth of the Columbia River: "What do we want with this vast, worthless area? This region of savages and wild beasts, of deserts, of shifting sands and whirlwinds of dust, of cactus and prairie-dogs? To what use could we hope to put these great deserts, or those endless mountain-ranges, impenetrable and covered to their very base with eternal snow? What can we ever hope to do with the Western coast, a coast of 3,000 miles, rock bound, cheerless, uninviting and not a harbor on it? What use have we for this country?" At another time Webster said that the port of San Francisco would be twenty times as valuable to us as all Texas. (This was in 1845.)

DANIEL WEBSTER TO JEREMIAH MASON.

WASHINGTON, *February* 23, 1819.

MY DEAR SIR, — I received your yesterday, enclosing a column of the "New Hampshire Gazette." The piece was probably written either by —— or the ——. The "Concord Patriot," I perceive, is full of stuff equally bad or worse. This is disreputable to our part of the country, and on that account is to be lamented. It will do no hurt here. Depend upon it the fate of the cause is fixed in this court. Messrs. Pinkney and Wirt talk of arguing one of the other causes when we reach them. Perhaps they will, but I very much doubt it. As to their facts which they say are new, they will, I apprehend, be told that if admitted, they would not alter the result; and in the next place that the court considers the recital of the charter as conclusive upon the facts contained in it. I hope we shall get to the causes in about a week; and although Mr. Pinkney speaks of wishing the argument to be next year, I shall endeavor to press the causes through to a final decision now. The unanimity of the court gives it great strength; and they will be, if I mistake not, not at all inclined to leave the cause under any doubt whatever. In Judge Bell's case, the event is exceedingly doubtful. My belief is, there is a division on the bench. You may take it for true, at present, that Ch. J., L., and J.,[a] are in favor of Bell; W., D., and (221) S.,[b] contra. It is not worth while to mention this, even to Mr. Bell. It is possible that further reflection may bring a majority to think alike, but I am fearful it must stand over and be argued again before Todd. You observed the fate of the Insolvent Laws. The case between Maryland and the Bank is now on the carpet. I said what belonged to me yesterday. Hopkinson answered. It will be further argued by Mr. Pinkney and Mr. Wirt on our side, and by Jones and Martin for the State; of the decision I have no doubt. We had a favorable decision yesterday in United States *vs.* Rice, about the goods imported into Castine, while the British held that town. There will be nothing done against the bank.

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[a] "Ch. J." (Marshall); "L." (Brockholst Livingston), of New York; "J." (William Johnson), of South Carolina.

[b] "W." (Bushrod Washington, of Virginia); "D." (Gabriel Duvall, of Maryland); "S." (Joseph Story, of Massachusetts).

Lowndes' speech on Saturday shook the facts of the report essentially. I do not believe there will be fifty votes for doing anything. A treaty is concluded with Spain. The Floridas are ours. It will be speedily known. The treaty is now before the Senate. The Senate are very likely to censure Jackson. Goldsborough says there is a settled majority for doing so. Our great friend, however, will be the other way. It is said he was consulted on the subject last summer. Nothing has been said of the Judiciary Bill. It will probably not be stirred; yet it is possible it may, but I think the chance very small. I have something to tell you when I see you on that subject, which will make you laugh.

I beg you to give my love to Mrs. Mason and Mary, and all the children. I begin to be anxious to get off. A month is as long as Washington wears well. I hope to get away by the 5th or 6th of March.

Yours very truly,

D. Webster.

DANIEL WEBSTER TO JEREMIAH MASON.

Boston, *April* 13, 1819.

My dear Sir,— . . . . I was yesterday at Salem. Judge Story has lost a daughter (the one who has so long been an invalid,) and Mrs Story is quite unwell but convalescent. He says he wishes the (222) circuit had commenced, that he might have employment and occupation. As to the College Cause, you may depend on it that there will be difficulty in getting delay in that case, without reason. I flatter myself the judge will tell the defendants, that the new facts which they talk of, were presented to the minds of the judges at Washington, and that, if all proved, they would not have the least effect on the opinion of any judge; that unless it can be proved that the king did not grant such a charter as the special verdict recites, or that the New Hampshire General Court did not pass such acts as are therein contained, no material alteration of the case can be made. Our course will be to resist the introduction of evidence — on the ground of immateriality, — being very liberal as to the sort of evidence which we care for, provided the facts proposed to be proved be admissible. Let Mr. Bartlett continue to understand that we shall resist all delay.

You may take another thing for true, — Pinkney sent back this cause to get rid of it. He talked, however, and blustered, because among other reasons the party was in a fever and he must do something for his fees. As he could not talk *in* court, he therefore talked *out* of court. I believe his course is understood. Let us hope for the best, and by all means oppose protraction. Yours truly,

D. WEBSTER.

N. B. To take away pretense of delay, suppose you tell Bartlett that we shall not require strict proof of any known fact if the court should think the fact material.

JEREMIAH MASON TO RUFUS KING.

PORTSMOUTH, August 1, 1819.

MY DEAR SIR, — I trust you will not think me improperly intrusive when I beg leave to offer you my most sincere condolence on the occasion of your late severe bereavement.[1] I should have done (223) so sooner, but I felt unwilling to break in upon your deep affliction. I know that your habitual mastery of your feelings and discipline of your temper which I have supposed you possessed in an extraordinary degree, will enable you much better than anything I can suggest, to bear with equanimity and fortitude your present sufferings however grievous.

If the sympathy of the most cordial friendship can afford you a momentary consolation, be assured, my dear Sir, you have it; your uniform kindness to me excited a gratitude and friendship which I shall continue to feel while any feelings remain.

I am sincerely and faithfully yours,

J. MASON.

REV. JESSE APPLETON, D. D., TO JEREMIAH MASON.

BRUNSWICK, *August* 11, 1819.

MY DEAR BROTHER, — I write you under the influence of those grateful and affectionate feelings which your kindness in general, particularly that which you have recently manifested, tends to excite. Conscious that during the years of our frequent intercourse we have introduced much more seldom than we ought that subject which infinitely more than all others concerns us both. I would make some amends for it at this late period by writing with freedom what I know you will read with seriousness and candor.

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[1] The death of Mrs. King.

I now view myself, as you know, at no great distance from the eternal world. Infinitely important consideration! I can therefore better than ever judge of the value of religion, though on account of its increasing apparent magnitude, find myself less than ever able to express that value. My present object is, by dear Sir, to press this subject on your attention.

Permit me to remind you that the elevated talents which you possess, carry with them no ordinary portion of responsibility, and render religion to you, both as it respects your personal security and salvation, and your influence on others, really of more moment (224) than it is to ordinary men. Your talents and general deportment have acquired for you a great influence with the public. Should this be thrown with decision on the side of religion, how happy, in all probability would be the result.

Not doubting that you consider the Scriptures as the word of God, I do most earnestly and affectionately entreat you by humble and devout study of them, to ascertain what are the conditions of being saved, and further to bestow on the subject of your own salvation that attention which its vast importance so evidently demands. This, my dear brother, is only an appeal to reason, — only a request that objects may be regarded according to their real worth. We have polluted hearts, which must be changed by the power of divine grace.

August 12. — Since writing what goes before I have been reminded that my time is short, as I have raised much bloody matter and considerable fresh blood, all which I have no doubt came from the lungs.

Allow me to suggest that though at present you are in great prosperity, it must at some period terminate. Your friend Mr. King is depressed, you informed me, by the loss of his wife. Your friend Mr. Gore is laboring under a painful, perhaps fatal disease. I mention this to show that earthly happiness must not content us, it will soon vanish. The *soul,* my dear brother, and eternity, are the objects for which we must chiefly provide.

When we took leave a few days since, you kindly said, "God grant I may see you again, and in better health." This desire, I think will not be granted, but God will do well. I desire humbly to submit to his will. I desire humbly to throw myself at the Saviour's feet, disclaiming most emphatically every hope of justification but through his all-sufficient atonement. Give my affectionate love to Sister Mason and the children.

And now, dear Sir, God grant I may see you and in a better world! Your affectionate and grateful Brother,

J. APPLETON.

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October 2.

MY DEAR SIR, — When the preceding was written, viewing death as quite near, I had designed that the letter should not be sent till after that event should occur. In great mercy God is preserving me and rendering me on the whole rather more comfortable than I was at Commencement. Under the influence of the same affections which dictated the letter, I now send it, praying that its contents may appear as important to you as they do to me. While I feel an interest in anything of an earthly nature, I shall not be insensible to the welfare of my friends. Any information concerning yourself and family, especially George (who promises very abundantly in a kind letter to me,) will be highly acceptable.

JEREMIAH MASON TO THE REV. JESSE APPLETON, D. D.

PORTSMOUTH, *October* 11, 1819.

MY DEAR BROTHER, — I am fully sensible of the value of your kind and very interesting letter, and return you my most hearty thanks for it. During the long friendly intercourse from our first acquaintance in which I have always considered myself your debtor, I recollect no act on your part which makes so strong a claim to my gratutude as the present. I know that I have been too inattentive to the great and important subject of religion. I have occasionally thought of it with some degree of serious earnestness. But I must admit that I have neglected to bestow on it that ardent and habitual attention which its vast importance demands. I have found it much easier to make resolutions than to observe them. I hope and trust that the resolutions which I shall make in compliance with your friendly solicitations will be better observed and have more permanent effects.

When I parted with you I entertained hopes (though I confess they were not sanguine) of your recovery. From all the accounts which I have since seen and heard my hopes are considerably increased. I understand your physicians do not think it expedient (226) that you should attempt to get into a milder climate for the ensuing winter, and that your opinion accords with them. If those who are most competent to judge continue to think so I have nothing to say. But should anything occur to change this opinion, I hope you will not permit any consideration of the expense to affect your determination. That may certainly be provided for without any difficulty.

I have just received a very pressing invitation from Mr. Gore to make him a visit. Mr. King is now with him at Waltham. I am very desirous of seeing both of them, and intend to go there and to Boston this week. Mrs. Mason will accompany me.

Since he has been at home George has done quite as well as I had any reason to expect. He has been sufficiently diligent in his studies and more docile and tractable than I expected.

Mrs. Mason and all the children desire to be affiectionately remembered to you.

I am, my dear Sir, sincerely and faithfully yours,

J. MASON.

DANIEL WEBSTER TO JEREMIAH MASON.

BOSTON, *November* 15, 1819.

MY DEAR SIR, — Our family is in such a condition, as to health, that I do not see how it is possible for us to visit you this week. Our little girl has been sick and is now not well; and one of our domestics has a settled and very severe and dangerous typhus fever. Dr. Warren thinks her symptoms better to-day, although she is yet in danger. I regret this disappointment the more as there are some topics about which I wish to confer with you. The principal one is the Bank. All that was publicly done you have seen. Mr. Sears tells me, and wishes me to inform you, that there is no intention of discontinuing the New Hampshire Branch. Perhaps you will not think it worth while to say much about this, however, at present. Our people here are making exertions to collect proxies, (227) with a view to the election, the first of January, and we beg you to look out for the New Hampshire votes. A list of directors was pretty much agreed on, at least for the Northern States, at Philadelphia. It is intended that New York and Massachusetts shall have three each: New York, — Bronson, Gracie, and Bayard, probably. Massachusetts, — Lloyd, Silsbee, and, *mirabile dictu*, D. W.! This last they will be laughed out of the notion of, and therefore pray say not a word about it. Our proxies here will be given to Mr. Lloyd or Mr. Silsbee, both of whom will attend the election. They should be with power of substitution, lest accident should happen. It is thought here, that the present is a favorable time to introduce a proper management into the Bank, and I think you will be of that opinion. Will you write me on the subject, and let me know what number of votes may be calculated on in New Hampshire. It is not thought probable that any opposition will be made to the ticket which will be proposed. But it will be well to be prepared against surprise.

Wednesday. — We see with immense pain, the annunciation of the death of Dr. Appleton. Few men have made a short life more useful, and his friends must derive great consolation from that reflection.

I have seen Stuart. He says the pictures shall be completed this week. I think they may be, perhaps, next.

Let us hear from you. Yours as usual,

D. WEBSTER.

JEREMIAH MASON TO JOSEPH STORY.

PORTSMOUTH, *November* 19, 1819.

MY DEAR SIR, — I received a letter yesterday from Mr. Webster, saying that the indisposition of one of their children and the sickness of a domestic would prevent their making us the promised visit at this time in company with you. I hope this will not be the occasion of our being disappointed of your visit also. You have (228) probably seen in the newspapers, notice of the death of Dr. Appleton, our dear friend and relation. We are somewhat depressed by this event, but shall not for that cause be the less glad to see you. My acquaintance and friendship with Dr. Appleton is of twenty years' standing. During a great portion of that time our intercourse was very frequent and intimate. He possessed one of the most powerful and best ordered minds I have ever met with. The loss will be deeply felt by his friends, and I think extensively by that part of the public to which he was known. With best regards to Mrs. Story in which I am joined by Mrs. Mason, and in an expectation of soon seeing you, I am dear Sir,

Sincerely yours, J. MASON.

JEREMIAH MASON TO MRS. APPLETON.

PORTSMOUTH, *November* 23, 1819.

MY DEAR SISTER, — I most sincerely sympathize with you in your present affliction. I am fully sensible the loss you have sustained is of no ordinary magnitude. I feel it severely myself. It is felt deeply and extensively by the public at large. All who knew him seem to unite in considering the death of your dear husband as a public loss. Although your friends and even the public sympathize with you I know you have peculiar cause of grief. The tenderest ties by which human beings can be connected are dissolved, and he in whom your sanguine hopes and expectations of human happiness were centered is taken from you in the midst of his days. It ought, however, to be matter of some consolation that although his life was short, it was eminently useful, and that few men with however long lives have done more for the benefit of mankind. But your chief and great consolation must be derived from that holy religion the duties of which he so ably explained and which, I trust, you well know how to practice. It would be unreasonable to expect that one afflicted as you are should not to a certain extent indulge their sadness and grief. You must, however, remember that (229) important duties remain for you to perform, and that you must not by the immoderate indulgence of sorrow disable yourself to discharge them. I know your sensibility, and mean only to caution you against any excessive indulgence of your feelings. There is danger it may become habitual and uncontrollable. I entreat you also to indulge no extravagant feelings of anxiety for the situation of your children. I doubt not sufficient means will be found for educating and providing for them. You will certainly be specially careful of your own health.

It is my intention to come and see you some time in the course of the winter. If in the meantime I can do anything for you I wish you to mention it. Or if there is any particular reason why you wish me to come to Brunswick soon I will endeavor to come. I presume you have no thoughts of changing your present situation before spring. With kindest regards to Mrs. Ellis and the children, in which Mrs. Mason desires to join with me,

I am your affectionate brother,

J. MASON.

JEREMIAH MASON TO JOSEPH STORY.

PORTSMOUTH, *December* 4, 1819.

MY DEAR SIR, — We are exceedingly sorry that you and Mrs. Story could not make us the visit which we had anticipated with so much pleasure. This disappointment it seems must be set down to the score of misfortunes occasioned by your having bad district attorneys. You say you will yet come to Portsmouth, if you have a day's leisure. I really hope you will. I am very desirous of seeing you before you go to Washington. Be so good as to drop me a line a day or two before you come, so that I may not be absent. I shall be in town for several ensuing weeks, except occasional avocations for a single day. I have just read the newspaper account of the doings of the meeting at Boston yesterday on the important subject of the extension of slavery to new States. I (230) suppose you were there. I hope such meetings will be held in all the chief places in New England and the north part of the United States. We are to have one here next Wednesday. There seems to be here, as I trust there must be in all the non-slaveholding States, great unanimity. I have however been informed that Judge Woodbury has expressed doubts of the constitutional power of the Legislature. With great esteem, sincerely yours,

J. MASON.

JEREMIAH MASON TO RUFUS KING.

PORTSMOUTH, *December* 15, 1819.

MY DEAR SIR, — I thank you for the copy of your speech on the Missouri Slave Question which you so kindly sent me. I am glad to have this, as I had lent and lost one, previously sent me, together with the doings of the public meeting at New York. You have certainly explained the subject in a most lucid manner, and as I think put at rest, as far as argument and reasoning can do it, all doubts as to the constitutional power of Congress; and if Congress has the power it would seem that no one who consulted the interest of the nation at large, could doubt the expediency of exercising it on the present occasion. This question has latterly attracted great attention and caused considerable excitement in the public mind in this quarter. We had a meeting in this town yesterday. A slight attempt to prevent it was made by a few demagogues, fearing a loss of influence from a union of parties on this subject and also by some of the personal friends of Mr. Parrott, now a Senator, for this State, who at the last session voted in the House of Representatives on the wrong side of the question. The attempt failed. The meeting was well attended, and included nearly all in any degree competent to form an opinion on the matter under consideration. Considerable pains were taken to have the subject in some of its important bearings understood; the result was a unanimous opinion, with the exception of two or three dissentients only, that (231) Congress possess the power and ought to exercise it. Meetings are notified in various parts of this State. The expression of public opinion in New England, will probably be sufficiently strong not only to conform those of our members of Congress who were predisposed to act right, but also to bring back some, who at the last session were wrong.

I hope that some of the State legislatures which now are or soon will be in session, will take this subject into consideration, and expose at large the monstrous immorality and consequent national disgrace of permitting the further extension of slavery. This cannot, as you intimate, be advantageously discussed in Congress. Cannot this be done in the Legislature of Pennsylvania which is now in session?

I am with great respect, your faithful and obedient servant,

J. MASON.

CHRISTOPHER GORE TO JEREMIAH MASON.

WALTHAM, *December* 28, 1819.

MY DEAR SIR, — I am pleased that in New Hampshire the people have expressed their opinion on the Missouri Question; and in addition to the expression by towns and districts, in Massachusetts, I hope our Legislature will pass resolutions intimating their desire for the exclusion of slavery. It is the more necessary, as some of our delegation were in favor of the bill, without the amendment.

The appearances are much in favor of Mr. King's election to the Senate, which for the public good I earnestly wish may take place, and I should believe that the attendance at Washington would promote his happiness.

That the chief may not have told all the truth in relation to Spain, is very probable, and though I never gave credit to all that Giles used to say, I think it likely there was less falsehood in his assertions on this subject than on many others. Our boys[1] are now at (232) home. They say they dined on Thanksgiving Day with Governor Gilman.

Congress, we are told by the public papers, contains many men of business. I venture to predict it includes more men of talk, and they seem to have many subjects of great fertility on which to try the strength of their lungs. . . . .

With our affectionate regards to your wife and daughter,

I remain your faithful friend, C. GORE.

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[1] Mr. Gore's nephews, William and Edward Payne.

JEREMIAH MASON TO CHRISTOPHER GORE.

PORTSMOUTH, *January* 2, 1820.

MY DEAR SIR, — I thank you for the volume of the collections of your Historical Society. It remained in Boston till last week, together with your letter, for want of a convenient conveyance. I do — as it was natural for you to suppose, from the evidence I always exhibit — claim decent from the "tall and portly" Captain John Mason. I well recollect reading the narrative contained in this volume, many years ago, in Connecticut, and I have lately taken some pains without success, to obtain a copy of it. Trumbull, in his "History of Connecticut," states from this same narrative, very minutely, the circumstances of the famous Pequot battle, and adds many facts tending to show the justice and necessity of the war on our part. My brave ancestor certainly used harsh means to destroy the unfortunate Indians. But if the danger and distress of the infant colony were as great and imminent as represented (which I see no reason to doubt), an apology, if not a justification is furnished, for the seeming cruelty and inhumanity. Whenever I have read this account I have been gratified by the evidence it furnishes of his adroit conduct and extraordinary bravery. But I could never suppress a strong wish, that he had been able to effect his object in some way more consistent with humane feelings than that of burning his enemies. It must be admitted that the poor Indians have, in most parts of the country, experienced a cruel (233) fate, from the time of their first acquaintance with us. You probably noticed the praise bestowed on Uncas, the Sachem of the Mohegans. This battle secured to my ancestor the admiration and friendship of the Indian chief, who granted him several very extensive tracts of land, in the Colony of Connecticut, and these grants entailed on his descendants a set of lawsuits with that colony, which lasted as Trumbull says, seventy years. An appeal was carried to the King and Council in England, and there determined against them, a few years before the Revolutionary War. I have often heard my father talk of this land claim and great lawsuits. He had no direct interest in it. It belonged to an elder branch of the family. But I suppose he expected some advantage in case of success, as he contributed considerable money to assist in carrying on the lawsuit, which he said was finally lost for want of good management. When you have read this long story, I dare say you will sincerely repent of having sent me the book which has led me to inflict so much fatigue on you.

I agree with you, that it is desirable that your Legislature should express their opinion on the Missouri Question. I hope the Legislature of New York will also do the same. It would be mortifying to have this important question determined against us, by reason of a defection of our own members of Congress, when we are clearly right in principle, and have so great an interest in the issue. And there is danger that such will be the result, unless prevented by a full expression of public opinion in the non-slaveholding States.

It is said the wise men at Washington are divided in opinion in relation to Spanish affairs. Some doubt the wisdom of executing a treaty before it is made.

Virginia is certainly determined to be again in opposition to the General Government. If her new batch of resolutions pass, I hope they will be immediately answered by both Massachusetts and New York. That which instructs her representatives and Senators in Congress to give their assent to no laws unless strictly conso- (234) nant to the principles of Mr. Madison's resolutions of 1798-99, exceeds in arrogance anything ever before attempted.

I rejoice to learn from your last letter, that both you and Mrs. Gore are on the recovery. Mrs. Mason and Mary desire their affectionate respects to her and yourself.

I am, dear Sir, truly yours, J. MASON.

CHRISTOPHER GORE TO JEREMIAH MASON.

WALTHAM, *January* 9, 1820.

MY DEAR SIR, — I am in hopes that our Legislature will express their sense in a very decided manner on the Missouri Question. There is some strange and as yet some unaccountable conduct among our printers on this subject. I, at an early date after its publication, received a corrected copy of Mr. King's speech; this I sent to Mr.

Webster, saying that I should have endeavored to procure its insertion in the "Repertory," but Mr. Hale had at several times declined to publish pieces for me on politics and literature which prevented *me* from offering it to him. Finding that W. did not think worth while to obtain its appearance in that paper, I sent it to the printer of the "Centinel," who, after my note was gone from me, but before it had reached him, requested the speech that he might print it. He acknowledged my note, inserted my recommendation, and promised to have it printed. He omitted to do it, and says the omission is at the request of friends to the good cause.

The argument is conclusive in my mind, and entirely free from everything that could embarrass the question, or excite any personal prejudices.

Considering this strange course, I am prepared to meet any disposition of the Legislature, while I feel the subject to be of greater importance to the character of the nation, and the political power of New England, than any before Congress. One would have thought Virginia possessed her share of power in the United States, but she admits no rival near the throne, and is determined that the (235) construction of her Legislature shall exclusively control the Constitution.

Mrs. Gore and myself are both in better health than when I last wrote you, and unite in regards to Mrs. Mason, yourself, and daughter, Yours faithfully and affectionately,

C. GORE.

JEREMIAH MASON TO CHRISTOPHER GORE.

PORTSMOUTH, *January* 16, 1820.

MY DEAR SIR, — I heartily congratulate you on the election of Mr. King. It is a striking instance of the triumph of personal character over party influence, alike honorable to him and beneficial to the public. His election must tend to moderate the spirit of faction and lessen the influence of demagogues. I trust there is no doubt of his accepting the appointment. The manner of his election and the exigency of the times leave him no liberty of choice. His services are not only of great importance to the nation, but what ought to weigh much, the nation is duly sensible of it. That the Boston printers should omit to publish his speech on the Missouri Question, under the circumstances you mention, is most extraordinary. Some individuals must have controlled them. There is surely nothing in the speech incautious or unguarded, and I think with you that the argument is conclusive. It has in truth furnished the materials of all the public discussions on our side. The Boston memorial, which was drawn by Judge Story, was evidently and as he frankly states, taken almost wholly from it. . . . . It is all important that your Legislature should unite with Pennsylvania and New York in expressing their opinion on this great question. I see Governor Brooks makes no allusion to it. The omission of Massachusetts to express an opinion, on the ground of doubt as to the right of Congress to prohibit slavery, or on the ground of indifference as to the issue, may, and probably will determine as sufficient number of votes in the House of (236) Representatives to turn the question. I do not believe the advocates of slavery will gain anything by the extraordinary attempt in the Senate to tack this subject to the bill for the admission of Maine. The attempt is entirely unparliamentary, and will be resisted. What do you think of Mr. Otis's attempt to defend the Hartford Convention? When I was in Boston last autumn, he mentioned his intention to me, and asked my opinion of its expediency. I advised him not to make the attempt. I told him that transaction was passing rapidly out of recollection and would soon be forgotten, and that it would be unwise to revive it by a public discussion, which could do no good but might do much harm. The event will show whether I gave him good or bad advice. With affectionate regards to Mrs. Gore,

I am, my dear Sir, truly yours,

J. MASON.

CHRISTOPHER GORE TO JEREMIAH MASON.

WALTHAM, *January* 24, 1820.

MY DEAR FRIEND, — I sincerely rejoice with you on Mr. King's election to the Senate, and more especially, as regards him, in the manner of it. He wrote me that he should set off on Friday last for Washington, where I trust he will do much good.

You have known the cause of our cooling off on the Missouri

Question. The tears of the gentlemen to whom you allude on his return home operated on others, and letters, as I am told from Congress, absolutely shut the press, and possibly the Governer's mouth, on this interesting question. Messrs. Quincy and Sullivan, we hear, doubt if they have not been too ardent and too explicit in the expression of sentiments against the unqualified admission of Missouri; and the consideration of this subject in our Legislature will be postponed until it can have no effect. All are alive on the Hartford Convention, and it is not impossible that instead of quieting the real or pretended jealousy on that measure, new bickerings and (237) increased acrimony between Massachusetts and some other portions of the Union may be the result. The New York papers speak with censure and not a little virulence on the subject; one of the numbers of these essays hints in strong terms that Messrs. Jay and others did or recommended the like conduct; but these men, says Mr. O—, are forgiven. Enough seems to be said to irritate and provoke retort, but not enough, if it were possible, of which I doubt, to put down clamor. With deference to those who wield the weapons of their own defense, I think the essays carry the mark of apology and have the language of supplication in such manner and to so high a degree, as will produce directly the reverse of what is intended. As a piece of the like fabric, our wise men in the Legislature have been trying to get up something like a re-burial of Governor Strong and a funeral eulogy. This is now projected, as I learn, by those who declined to say a word of requiem to the departing Governor when he offered his farewell speech. Surely then was the proper hour, and why it was not embraced must be sought for, not in the most honorable motives of the human heart. We are told it would aid much in the same cause, which is supported by the lucubrations in the "Intelligencer." Thus you perceive our politics, and the springs of them, so far as they are delivered to me.

Your faithful friend, C. GORE.

JEREMIAH MASON TO CHRISTOPHER GORE.

PORTSMOUTH, *January* 31, 1820.

MY DEAR SIR, — I thank you for your key to the Boston riddle. I should never have found it out by guessing. It certainly places your great men on humble ground. Should we through their means fail in the great question which now agitates the nation, they will incur an odium that will be remembered long after the Hartford Convention will have been forgotten. And from present appearances I think there is some danger that this will be the case. The backwardness of Massachusetts to express an opinion will be (238) felt at Washington. I doubt whether we have any men in the House of Representatives, of sufficient weight of talents and character to preserve our majority there, while under the violent pressure of a cajoling management to which they are exposed. There is reason to fear the question will be carried in favor of slavery by New England votes. I see nothing in the meek apology of the Hartford Convention, which if left unanswered would effect a change of public opinion or feeling. Mr. Gales promises that the subject shall be fully discussed. It is probable, however, that in the present press of other and more interesting subjects, this will pass off without exciting much notice. You doubtless observed the honorable mention of our Act, for raising State troops for the purpose of local defense. Do you remember the cold indifference with which that measure was at the time received in New England? I believe this is the first time that it has ever been noticed here in a newspaper. . . . .

I am sincerely yours, J. MASON.

JEREMIAH MASON TO RUFUS KING.

PORTSMOUTH, *April* 15, 1820.

DEAR SIR, — I thank you for the Congressional papers which I have received by your frank. I had hoped to see the speeches on the Missouri Question which you delivered this session, but I begin to fear they are not to be published.

It is apparent from the rude and illiberal abuse they have attempted to cast upon you, that you must have touched the slave-holders to the quick. I trust that such abuse can do you no serious injury. Notwithstanding the apathy which prevails in this section of the Union on most political subjects, the discussion of that question excited strong feelings and made an impression that will not be soon worn off. Its bearing on political power is at length in some degree understood. The arrogant spirit of domination exhibited by the people of the South, both in and out of Congress, has offended some and alarmed others. Many of the former supporters (239) of the Virginia rule now lament with apparent sincerity our domestic disunion, the acknowledged cause of the late defeat. If this tendency of public opinion should be permitted to have its natural course, it would probably produce considerable effect. But the demagogues, office holders and office seekers, sensible of their danger, are doing all in their power to counteract it. At present the prevalent feeling is that of mortification mixed with no inconsiderable degree of indignation toward those of our Representatives who are believed to have sacrificed the most important interests of their constituents to base servility and mercenary hopes of personal advantage. It would seem that if a barrier is ever to be opposed to the ambitious projects of the Southern and Western States, it must be done soon. And in what way can that be done, while they command all the patronage of the Government? As long as that is the case I fear they will always be able to secure a majority in both Houses of Congress. If so our only remedy is to look to another quarter for a President. I hear of nobody who thinks this can be attempted with any prospect of success, till the present incumbent shall have served out his two terms. I know not what is inferred from General Smith's caucus, but presume that no considerable opposition is expected to Mr. Monroe's re-election.

The good people of New England have been much disturbed during the past winter by the appearance of the ghost of the Hartford Convention, so adroitly conjured up, by Mr. O— in his defense of the character of the defunct. When I was in Boston last autumn, he mentioned to me his intention of undertaking that defense. I tried to dissuade him from the attempt. I do not know what he thinks of his success, but I am told that all his friends, as well as the friends of the Convention, are heartily sorry that he brought this unlucky subject back from the oblivion into which it was fast sinking. With great respect,

I am as ever faithfully yours, J. MASON.

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RUFUS KING TO JEREMIAH MASON.

WASHINGTON, *May* 4, 1820.

MY DEAR SIR, — It is some time since the receipt of your obliging letter of the 15th ultimo. It ought sooner to have been acknowledged, but my attention has been of late a good deal engaged in watching the course of the New York election. The struggle is over, but who cries victory we here are unable to ascertain. My wishes have been on the side of Tompkins, believing that under him the State may be sooner composed than it would be under Clinton. Our session is near to its close. Except that bill changing the mode of selling the public lands, nothing of importance will have been done, though much has been discussed which stands postponed to another session. Had not the friends of the tariff embraced a system too comprehensive or complicated, they would have succeeded. The cotton and woolen manufactures disconnected with their associates would have received the protection asked for, but the bearing of the bill on ship-building and navigation was insufferable. The auction and cash payment of duty bills failed also, being reported as parts of the tariff system, as it was called.

Our Spanish affairs have often changed their phases during the winter; and the expected news from Spain, since the convocation of the Cortes, will in all probability postpone any definitive measures respecting Florida, about which less solicitude exists than formerly. Some desire the province of Texas, lying along the ocean and west of the Sabine, to be also obtained; others have become less desirous respecting the Floridas, which will only add further strength in the Senate to the slave States, which by the multiplication of new States have become a controlling power in our government, though a minority. I have, however, no doubt that ultimately we shall possess the Floridas. In respect to the Missouri debate, in which I took a part, which became the theme of gross misrepresentation and abuse, although, as the newspapers have shown, much has been (241) said, the argument, whether the power or the policy be the inquiry, remains unbroken in favor of the restriction. Indeed, nothing having the character of a law, or constitutional or statesmanlike argument, has been offered to the contrary, and in my conviction none can be invented. All the speeches hitherto published have been prepared by those who delivered them. There was no note-taker present in the Senate, and I have not put a pen to paper in order to preserve what I said on this occasion. The Presidential caucus was a mere abortion. The measure was adopted more by the vanity of General Smith than from all other motives. There will be no opposition to Mr. Monroe, that I have heard of. None is expected even from New York, whose deputation will in all probability be anti-Clintonian. If Tompkins has been chosen Governor of New York there might have been, and even yet may be, a caucus for his successor; but I consider this event uncertain and not likely to be definitely ascertained, at least in favor of Tompkins, before Congress adjourns. Rush, of Pennsylvania, Morrow, of Ohio, Clay, of Kentucky and my brother, of Maine, have been spoken of, but as far as I can form an oponion, it would be that no person is yet soberly thought of for the place of Vice President except Tompkins.

Our treasury is exhausted. No notice was personally given of its condition. The Executive removes, but dares not propose to impose, taxes. The reduction in the military appropriation of this year, including the fortifications and ordnance department, exceeds two millions. This financial scheme is adopted with the knowledge that contracts have been made that require this sum, but which the contractors will not receive as they ought, but for which, with damages, Congress will be called on next year. The stopping of the Yellow Stone Expedition will prove a neat saving, and may prevent an Indian war. The suspension or repeal of the Pension Law will be another saving, and yet the government must borrow from two to four millions this year, and the prospects of the next year are still more alarming. The project of the new tariff if it succeed, must reduce the import of tonnage duties still lower, and its (242) establishment must produce the necessity of a system of internal taxes which the Western States have no inclination to impose. A motion to reduce the army is before the House, and if no fears respecting Florida prevent, it will prevail. The navy will follow next year. So we go. Excuse this rambling letter, and believe me very truly,

Your respectful and faithful servant,

RUFUS KING.

RUFUS KING TO JEREMIAH MASON.

JAMAICA, L. I., *May* 25, 1820.

DEAR SIR, — As Virginia has appealed to the respective States on the Missouri Question, I hope that your Legislature will not only sustain the appeal but give judgment in the cause.

You are in the Legislature and will of course attend to the subject, should your Governor, in imitation of Wolcott, bring it before you. I have no wish to recur to the subject during the next session of Congress; we shall be the same persons, and the results will not vary. Holmes of Maine, who is to come to the Senate, would be on the slave side; and New Hampshire has been divided. Although the question is not immediately to be discussed again in Congress, the principles will be constantly felt, and those which are correct want strengthening and confirmation. New Hampshire can and ought to lend her support. I wish that your Mr. P. would retire and give to you his place. The North wants force; numbers which are mere numerals in politics as well as finance are not to be relied upon.[a] On all controverted points in every national question, we fight militia against regulars; and as in war we suffer grievous defeats until by more concert, which we have little prospect to effect, or by the influence of pride, which disdains inferiority, we select and continue our best men in Congress. No alteration can be accomplished, but we shall forever be governed by the minority whose interest materially differ from our own and from those of a majority of the natives. If you could come from New Hampshire, and (243) Webster from Massachusetts, I should feel some courage and confidence. Think of these things.

With great esteem and respect, I am always and truly yours,

R. KING.

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[a] "Numbers which are mere numerals in politics as well as finance are not to be relied upon." This is similar to Rufus Choate's, "Neutrality in any sharp civil dissention is cowardly, immoral, and disreputable;" or James A. Garfield's, "All governments are party governments; and until the real millenium comes there will be parties in religion, in politics, and in every realm of thought;" or Horace Greeley's, "That which styles itself 'an independent journal' is inevitably a fraud. The essence of its profession is an assumption of indifference to the ascendency of this or opposite party, which does not exist. In a free State, whereof the people are intelligent, no journalist is or can be indifferent, and an affectation of impartiality necessarily cloaks some selfish and sinister designs;" or R. A. Horr's (a Congressman from Michigan), "An independent in politics as a rule, is good for nothing; he is always on both sides of every question, and on neither side of any. He is half fish and half woman—a political mermaid, too much woman to be good for anything as a fish, and too much fish to be good for anything as a woman."

DANIEL WEBSTER TO JEREMIAH MASON.

BOSTON, *May* 30, 1820.

DEAR SIR, — I hope you will think a little of districting your State for members of Congress. I deem it an important affair in the present state of things and in relation to probable future events. They have done it in Vermont; and I learned there last week that two or three of their most considerable men might perhaps be elected in the fall. I believe I suggested to you also, the expediency of separating the Congressional from the State elections. The Massachusetts Legislature assembles to-morrow. The important business is to decide whether there shall be a convention to amend the State constitution, and to elect a Senator. As there is one Senator from Boston, the other must come from the country.[a] I suspect it will be Mills, George Bliss of Springfield, or William Baylies of Bridgewater. It is possible, however, it may be a merchant, in which case I think Mr. Reed of Marblehead likely enough to be chosen; very little is said about it at present. Our courts are through. Judge Story adjourned on Saturday, and Chief Justice Parker on the Saturday before. When your legislative labors are over, I hope you will come this way and play a little. If nothing occurs to prevent, I intend being in Concord one day about the 20th of June. I have promised Mr. Olcott to be there if practicable. Your consignment of books and potatoes came safe to hand. I have tried the latter article first, and find it good. My appetite for the first is not at present quite so keen. The first Piscataqua man I see here, I shall charge with the conveyance of the two books I promised you. Mrs. Webster desires her regards to Mrs. Mason and her daughters.

Yours truly,

D. WEBSTER.

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[a] Harrison Gray Otis was the Boston senator, and Elijah H. Mills, of Northampton, Mass., was elected to fill the vacancy caused by the resignation of Prentiss Mellen, then of Portland, Maine, who resigned the United States Senatorship, May 15, 1820, as Maine was cut off from Massachusetts, and became a State of the Union, March 15, 1820. Mr. Mellen resigned to take the Chief Justiceship of the Supreme Court of Maine.

JEREMIAH MASON TO RUFUS KING.

PORTSMOUTH, *June* 4, 1820.

MY DEAR SIR,— I have to acknowledge the favor of two letters from you: one from Washington and the other after you had returned home. I thank you for the kind expression of your wish to see me again in the Senate. Many considerations concur to render that situation very agreeable to me, among which the benefit of your society would not be esteemed the least. But it is for the present entirely out of the question. Mr. P.[a] has no intention or inclination of resigning a seat which is so necessary to him for his comfortable support, unless he can secure some other place which will be equally profitable, of which I do not know that he has any prospect. And were he to resign, it is not probable his seat would be offered to me. And even were both of the difficulties removed, others of a personal nature and such as could not be easily surmounted, would still remain. Mr. Mellen as was expected, has resigned. Mr. Webster can probably, if he pleases, have that place.[b] In a conversation I lately had with him, he seemed to think that he could not immediately forego the profit of his professional business. It was however apparent that he had a strong liking for the situation, and should it be offered to him two years hence, I doubt whether he would decline it. I am fully sensible that it is of vital importance to us of the North to be better represented in Congress; but I see not how this is to be effected, in any considerable degree, as long as we remain subject to our apparently interminable factions.

The good Democrats of this town, by accident I believe happened to elect me a member of the Legislature for the present year. I had no previous suspicion of their intention. The chief inducement I have to attend the ensuing session of the Legislature, is to see that the Virginia Resolutions on the Missouri Question, should they come under consideration, are disposed of to the best advantage. There will be, as I fear, no small difficulty in bringing our Legislature to (245) the expression of any strong opinion with that degree of unanimity which is necessary to give it effect; the dominant party has been already greatly alarmed. Many of their influential leaders, among whom are the judges of our Superior Court, pretend to have doubts of the constitutional power of Congress to impose the restriction against slavery. The true cause of the alarm is a fear that a schism may be produced in the party. The leaders are constantly recommending a peaceable acquiescence in the decision that Congress has made, and a careful abstaining from whatever may cause irritation, provoke local jealousies, etc.

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[a] John F. Parrott, of Portsmouth, was one of the senators from New Hampshire at this time, and David L. Morrill, of Goffstown, New Hampshire, the other.

[b] Mr. Webster was elected to the United States Senate and took his seat March 4, 1827; but was in the lower House of Congress, 1823-27.

One branch of our Legislature, the Senate, it is expected, will be entirely Democratic, and at least three fourths of the House of the same sort. The attempt will be to parry the question and avoid the expression of any opinion. Much will depend on the course which shall be adopted by our Governor, and it is impossible to foretell what that will be.

I am, with the highest respect,

Most sincerely and faithfully yours, J. MASON.

DANIEL WEBSTER TO JEREMIAH MASON.

BOSTON, *June* 15, 1820.

MY DEAR SIR, — If your session should prove as short as you anticipate, it will not be in my power to see you at Concord. The circuit court sits here, by adjournment, on Monday, which I must attend. If your session should last through next week, I shall probably be up. I have been endeavoring to do something about an answer in Mr. Olcott's case, but have made very little progress in it. I wish he would send me a full copy of the bill. Our Legislature is wholly engrossed by local subjects, especially by the project of a convention, which it seems we are to have. I have inquired of Mills, Dalton, Lawrence, and others. They all say the Virginia Resolutions have not been communicated to them! ! Whether they were sent last winter, or whether the Governor has (246) omitted them, or whether Virginia never sent them at all, is more than I know, and more than anybody here appears to know. Mills's election is probably the best thing that could be done. He is always respectable, and will be, I think, a safe man. Local causes rendered it convenient to choose a man in his part of the State, and he is generally popular. I learn from various sources that you make quite a promising legislator. I am glad to hear it. So far as I learn particulars, they meet my approbation. I like your idea of discontinuing joint committees, —a great barbarism—in legislative proceedings. In the course of time, I expect to hear of some legislative movements about the judiciary, if opinion in New Hampshire is as strong on that subject as it is represented to be by those persons whom I see here from the State. Our convention is an important subject; a great many things of consequence will be discussed in it, among others the erection of a court of equity.

Yours, D. WEBSTER.

CHRISTOPHER GORE TO JEREMIAH MASON.

WALTHAM, *June* 25, 1820.

MY DEAR SIR, — I have received your letter of the 23d June instant and read your resolutions with much pleasure. I think them excellent, and sincerely wish that Massachusetts had as well preserved her dignity and character. Why Governor Brooks did not present them to the notice of our Legislature, I cannot say. Thinking he would, I desired a common friend to request of Judge Parker that he would converse with his Excellency and impress on his mind what was due to his own character, that of the State, and to the cause of freedom, and the defense of our own political power. I could not see the Governor myself, and although I have inquired of several, I have never attained the least satisfaction on this subject. There is, as I feel, a total lethargy on all our national concerns in the sentiments and conduct of those who direct public opinion and the public councils. The people on the Missouri Question are a (247) great way in advance of their leaders. Individuals with whom I have talked on this question (and I have spoken to all I have met and are conversant on such topics), acknowledge its importance, but it would seem that some fatal spell is brought to operate on the Government to prevent every expression of sentiment, or only at such time as to discover our opinions when we are sure they can have no influence but to raise the ill temper and contempt of the slave-holding States.

I rejoice that you went to the Legislature, and that you have caused the State to honor itself and support the cause of freedom.

My wife, who is in tolerable health, unites in affectionate regards to yourself, Mrs. Mason, and daughter.

Faithfully I remain your friend,

C. GORE.

RUFUS KING TO JEREMIAH MASON.

JAMAICA, L. I., *July* 6, 1820.

DEAR SIR, — So far from thinking that you stopped short of the true point, your report and the resolutions of your Legislature, without reference to the domestic considerations to which you refer, are just such as they should be to produce the reflections that may lead to reformation. Your argument is persuasive as well as convincing, and the suggestion, that your scheme might be considered as acquiescence in the slavish construction of the Constitution, is a seasonable rebuke to Massachusetts, whose errors and repentance are equally deplorable. States, like men, who fail in self-respect are without title to the respect of others. After the separation of Maine, Massachusetts was bound to retrieve her ancient reputation, and to obtain justice she must show the world that she merits it.

With friendly regards and great respect, I am dear Sir,

Your obedient and faithful servant,

RUFUS KING.

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P. S.—In a letter last evening received from Mr. Gore, he says that he is told that the Virginia Resolutions were not sent to Massachusetts. Has Virginia restricted them to the States whose Senators voted for the extension of slavery?

I wish very earnestly that you would settle the conclusion firmly in your mind, that you ought to form motives in every sense honorable, and give me leave to say obligatory, to desire to return to the Senate of the United States, and as soon as it may be in your power to do so. The highest interest of your country, your own reputation, and the very extraordinary condition of the representation of the Northern States, all unite in calling for those sacrifices which I fear you have not sufficiently undervalued.

Mr. Mason, as he informs Mr. King in his letter of June 24, 1820, was in that year chosen a member of the New Hampshire House of Representatives from Portsmouth. He was not a candidate for the office, and was wholly unprepared to receive at the hands of the Democrats, who were a majority in the town, an honor which must have been gratifying to him as a mark of their respect for his personal character. He was induced to accept the office not merely from the motive mentioned in his letter to Mr. King,—a wish to see that the Virginia Resolutions on the Missouri Question, should they come before the Legislature, as he expected they would, should receive proper consideration,—but also from a desire to effect some changes in the administration of the law in New Hampshire which his experience at the bar had shown to be desirable.

Upon the organization of the House he was placed at the head of the committee on the judiciary, and from the journal of the House appears to have given much time and thought to his legislative duties. Among other things, he reported resolutions which passed into a law, making substantial changes in the judiciary system of the State, abolishing the court of common pleas, transferring most of its jurisdiction to the superior court, and constituting a court of sessions.

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The Virginia Report and Resolutions on the Missouri Question were sent by the Governor of that State to the Governor of New Hampshire, early in the June session, and by the latter transmitted to the Legislature for their action. They were drawn with much ability, and set forth in forcible and earnest language the doctrines as to the sovereignty of the States and the limited powers of Congress, of which Jefferson and John Taylor of Carolina were the leading exponents in their time.[1]

In the House of Representatives they were referred to a commit-

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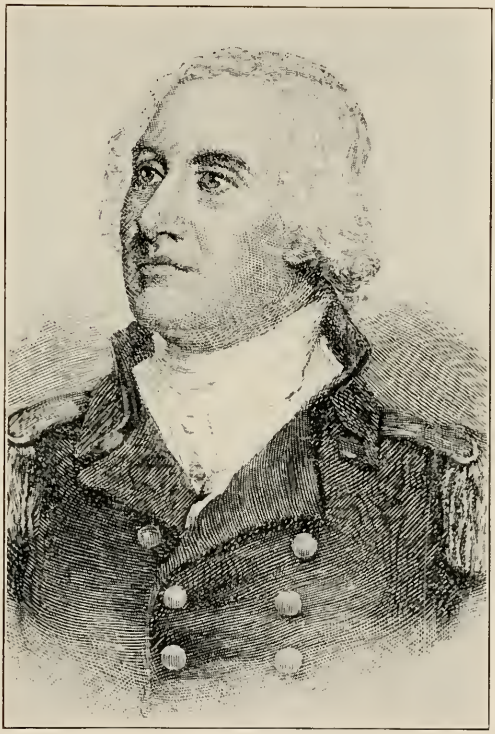
[1] The report and resolutions may be found in the House Journal of the New Hampshire Legislature, June session 1820, page 41.



CHARLES COTESWORTH PINCKNEY.

tee of which Mr. Mason was chairman, and on the 16th day of June, he presented a report and resolutions thereon. These, alike from their essential merit and the enduring interest and importance of the subject on which they treat, are thought worthy of being here reproduced:—

The committee has not deemed it necessary to inquire whether it would have been expedient for the Legislature, at the present time, to express its opinion on this important subject, if it had not been thereto specially invited. But the Legislature of the State of Virginia has seen fit to address to the Legislatures of the different States of the Union certain resolutions, together with the reasons on which they are founded, giving a construction to important provisions of the Constitution of the United States, and defining the powers of Congress. The forbearing to express an opinion, when thus appealed to, might be taken for an acquiescence in the construction contended for.

After having carefully examined the resolutions, and the reasoning offered in their support, with all that attention to which they are entitled, as well on account of the source whence they originated, as on account of the great importance of the subject to which they relate, the committee is of opinion that the Legislature of Virginia contend for an erroneous construction of the Constitution of the United States, relative to the powers of Congress, which if adopted will prove highly injurious to the best interest of the Nation.

Since the passing of the resolutions under consideration, the subject matter of them has been so amply discussed in the Congress of the United States, as to render it at this time an unnecessary and useless labor to assign and illustrate at large the reasons why this Legislature ought not to give its assent to them.

Notwithstanding the reasoning of the Legislature of the State of Virginia on the (250) language of the Constitution, the committee has full confidence that the power to prescribe the prohibition of slavery, as a condition of the admission of new States into the Union, is vested in Congress by a fair interpretation of the language of that instrument.

The argument chiefly relied on is that the prescribing such condition by Congress is inconsistent with the sovereignty of the State to be admitted, and its equality with the other States. It is admitted that "Congress—if the applicant for admission into the Union had no right whatever to demand it, as would be the case of an independent State making such application — might provide for the admission of such State upon the performance of precedent conditions not impairing its sovereignty." If so, as the territory of Missouri had no right to demand admission, the only question is, Whether the right to establish slavery within their respective limits is essential to that sovereignty which is enjoyed by the different States of the Union under the Constitution of the United States? For evidence that such right is not essential to their sovereignty, an appeal might be made not only to the solemn assertion of the unalienable right of all men to freedom, announced in the Declaration of our National Independence, and which is adopted among the fundamental principles of many of the State governments, and to the reiterated acts of the General Government, in admitting into the Union new States with a prohibition of slavery, but also to the enlightened judgment of wise and good men of all countries.

Slavery is prohibited by the immutable law of nature, which is obligatory as well on States as individuals. The establishing or permitting slavery by a State being thus morally wrong, the right to do it, instead of being essential to its sovereignty, cannot exist; except only in cases where slavery having been already introduced cannot be suddenly abolished, without great danger to the community. Under such circumstances, it must of necessity be tolerated for a time as the solemn means of self-preservation.

This painful necessity may justify the temporary continuance of slavery in certain States of the Union, where it now exists. But in the opinion of the Committee nothing can justify the unnecessary extension of this great evil to newly formed States.

As far as it may effect the sovereignty of a nation, no material difference is perceived between the case where it surrenders its supposed right to carry on a traffic in slaves with a foreign country assenting thereto, and the case of its surrender of its right to acquire in any other way and retain slaves within its own limits. And yet several independent nations — and our own among others — have, without any suspicion of injury to their rights of sovereignty, bound themselves by treaty stipulations forever to prohibit that monstrous traffic. Have they thereby lost what is essential to their sovereignty?

If from the generality and conciseness of the terms used in the federal Constitution any doubt remained as to their true construction, in relation to the power of Congress, in the particular under consideration, such doubt would be removed on (251) examining the condition of the territory belonging to the United States, at the time of the adoption of the Constitution, and the obligation they were then under to form the same into States to be admitted into the Union.

After the United States had by the treaty with Great Britain, and by a cession from Virginia and certain other States of their claims, acquired an undisputed title to the territory northwest of the River Ohio, they passed the ordinance of 1787, for dividing that territory into States, and for their admission into the Union. This ordinance is entitled "Articles of compact between the original States, and the people and States within the said territory forever to remain unaltered." It recites the objects and design to be "for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws, and constitution are created; to fix and establish those principles as the basis of all laws, constitutions, and governments which forever hereafter shall be formed in said territory; to provide also for the establishment of States and a government therein, and for their admission into a share in the federal councils, on an equal footing with the original States, at as early a period as may be consistent with the general interest." It then provides as one of the articles to remain forever unalterable, that "there shall be neither slavery nor involuntary servitude in the said territory." The State of Virginia, with four other slaveholding States, assented to this compact. And Virginia afterwards expressly ratified it, by an act of its Legislature. The States mentioned in the ordinance, and in which slavery was to be thus forever prohibited, were still to be admitted on an equal footing with the original States.' Of course the prohibition of slavery was not supposed to be incompatible with their sovereignty.

The United States having thus pledged their faith and bound themselves to admit these States into the Union, with a perpetual prohibition of slavery, it would seem to be impossible that the Constitution, which was soon after formed, and certainly with a full knowledge of the ordinance, should not have been intended and understood to confer on Congress the requisite power to perform the obligation.

In further proof that the Constitution must have been so understood, might be cited the act expressly confirming this ordinance, among the first doings of Congress under the Constitution. In conformity with this understanding of the Constitution, have the States northwest of the River Ohio been admitted into the Union, subject to a perpetual prohibition of slavery. Most of the other new States have likewise been admitted on such conditions as Congress, deeming them to be suitable to their respective situations, has been pleased to prescribe.

This being the construction being given to the Constitution immediately after its adoption, and which has been acted upon without opposition, and acquiesced in for more than thirty years, it was not to have been expected that its correctness would at this late period have been drawn into question.

It must be recollected that this contemporaneous construction of the Constitution was made by those who had the best possible means of knowing what was its true (252) intent. Many of the distinguished members of the Convention which formed the Constitution, were at that time in the national councils.

Neither these States themselves, so admitted on prescribed conditions, nor any body in their behalf, have heretofore doubted that they were on an equal footing with the original States, or that they enjoyed all the rights essential to their sovereignty.

The Legislature of Virginia attributes this early construction of the Constitution, so uniformly followed by the General Government, and acquiesced in by the States, to the score of misapprehension. And an intimation seems to be given to the newly admitted States that the conditions and stipulations, on which they were admitted, and which were solemnly ratified by them, are of no binding force. The dangerous tendency of such a doctrine is too apparent to need comment.

The Legislature of Virginia admits "that this subject addresses itself very strongly to their interest as well as their feelings." If the obviously just and long settled construction of the Constitution, in a particular of great national concernment, may in a moment of excitement be set aside in favor of supposed doubts, raised by the excess of ingenuity of reasoning, no ground of security will remain for the equal rights of the States; and the foundation of the Union itself may be shaken.

An argument against the power of Congress to prevent the extension of slavery to new States is attempted to be raised from the general scope of the Constitution and from the nature of our free institutions. The Legislature of Virginia says, "It can never be believed that an association of free and independent States, formed for the purposes of general defense, of establishing justice, and of securing the blessings of liberty to themselves and their posterity, ever contemplated the acquisition of territory for the purpose of establishing and perpetuating for others and their posterity that colonial bondage against which they themselves had so lately revolted. Power may enslave them (the inhabitants of territories) longer, but the laws of nature and of justice, the genius of our political institutions, and our own example, proclaim their title to break their bonds and assert their freedom." Can this have been intended for calm reasoning, to convince the understandings of those to whom it purports to be addressed, or was it designed to produce an effect on the feelings and conduct of the inhabitants of the territory of Missouri then demanding admission into the Union? It is hoped it will never be believed that this association of free States, formed for the noble purposes above stated, ever contemplated the acquisition of territory for the purpose of establishing or extending bondage of any kind.

If the Constitution gives to Congress the power in question, it is not perceived that there is any stipulation in the treaty ceding Louisiana to the United States that forbids the exercise of it in providing for the admission into the Union of the territory of Missouri. The provision of the treaty, which is supposed to impose on Congress the obligation of admitting that territory unconditionally, is the following: (253) "The inhabitants of the ceded territory shall be incorporated into the union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States." It is not believed that this provision can have any effect whatever on the question. The admission into the Union is to be according to the principles of the Constitution. If Congress may according to those principles make the prohibition of slavery a condition of the admission, then surely the admission, subject to that prohibition, cannot be at variance with the principles.

The rights mentioned in the treaty are such as are conferred by the Constitution of the United States on its citizens, among which the right to hold slaves (if such right there be), is not one. Admitted subject to the proposed inhibition of slavery, the inhabitants of Missouri would have enjoyed the same rights, as citizens of the United States, as do the citizens of the States on the north side of the River Ohio, or as do the citizens of other States where slavery is not tolerated, and who, as is hoped, will not be soon convinced that they do not enjoy all the rights appertaining to citizens of the United States.

To avoid this conclusion, the Legislature of Virginia contends that the clause "according to the principles of the Federal Constitution," is no more than a qualification of the time of admission. But the Constitution neither states nor even alludes to any principle whatever to designate or determine the time for the admission of a new State. Such construction of those words would therefore render them wholly inoperative, and must consequently be rejected.

The toleration of slavery in a portion of our common country has long furnished matter of reproach on our national character. Strong hopes were entertained that instead of the zeal now shown for enlarging the sphere of its baneful operation, suitable measures would have been adopted for its gradual abolition. Congress, having the power, is bound by considerations of justice and humanity, and by a regard to the general welfare of the nation, to prevent the further extension of this evil. The attempt to wrest this power from Congress affords just cause of alarm. It is apparent that slavery creates habits and interests peculiar to the States tolerating it, and that it constitutes between them a strong bond of union. To this cause is to be attributed the unparalleled unanimity of every Senator and Representative of the slaveholding States, on the passing of the late act by Congress, affecting this subject.

Should this odious bond of union be permitted to be extended, without opposition, it will soon produce such a combination of political power as may be sufficient permanently to control all the measures of the national councils. By the Constitution, a disproportionate share of political power is conceded to the slaveholding States on account of their slaves. And although the equivalent given to the States not tolerating slavery has in a great degree failed, by reason of the government's seldom resorting to direct taxation for revenue, yet no complaint is made, while the (254) advantage is confined to the original States, the parties to the compact, or even to new States formed within their limits. But new States formed out of territory not included within the original limits of the United States have no claim to this advantage. And the granting of it to them, when nothing in their situation renders it necessary, is an act of injustice toward the States not allowing slavery, and which, if persevered in, may in the end destroy their just share of power and influence in the General Government and endanger their security.

Which said report was approved and agreed to, as expressing the opinion of this Legislature. Therefore, —

Resolved, by the Senate and House of Representatives in General Court convened, That in the opinion of this Legislature the Congress of the United States has by the Constitution the right in admitting new States into the Union to prescribe the prohibition of slavery, as one of the conditions on which such State shall be admitted:

That in the case of Missouri, to which, by the Preamble and Resolutions of the General Assembly of Virginia, the attention of this Legislature has been called, that right remained in full force, unimpaired either by the treaty under which that territory was acquired, or any subsequent acts of the General Government:

That in the opinion of this Legislature, the existence of slavery within the United States is a great moral as well as political evil, the toleration of which can be justified by necessity alone, and that the further extension of it ought to be prevented by the due exercise of the power vested in the General Government:

Resolved, That the Governor of this State be requested to transmit a copy of the foregoing report and resolutions to the Governor of the State of Virginia.

The Democrats of Portsmouth were so well satisfied with Mr. Mason's course in the Legislature in 1820 that they re-elected him in 1821. He was again placed at the head of the judiciary committee, and in this capacity reported a bill, which became a law, vesting in the Superior Court chancery jurisdiction in cases of real and personal estate given to charitable uses. This was among the very first acts, if not the first, which conferred chancery powers upon the highest court of the State.

In 1821 a subject of general interest came before the Legislature of New Hampshire in the shape of a report and resolutions from the Legislature of Ohio, relating to proceedings in suits in the circuit court of the United States for the district of Ohio against certain officers of that State. These suits grew out of an attempt of (255) the State of Ohio to tax the United States Branch Bank at Chillicothe in that State, and the resistance of the bank to the tax as unconstitutional.[1]

The report and resolutions of the State of Ohio were referred to the committee on the judiciary, which presented the following report and resolutions.

STATE OF NEW HAMPSHIRE.

In the year of our Lord one thousand eight hundred and twenty-one.

Whereas a report of a committee of both Houses of the General Assembly of the State of Ohio, and certain resolutions founded thereon, relating to proceedings in suits in the Circuit Court of the United States for the district of Ohio, against certain officers of that State, have been communicated by his Excellency the Governor, with a request of the Legislature of the State of Ohio that this Legislature will express its opinion thereon: which report and resolutions having been duly considered: Therefore,

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[1] See Osborn vs. United States Bank, 9 Wheaton, 738.

Resolved, by the Senate and House of Representatives in General Court convened, that the Congress of the United States has by the Constitution power to establish a Bank, with offices of discount and deposit in the several States, as is done by the Act establishing the Bank of the United States; and that the exercise of this power is necessary for the due administration of the fiscal concerns of the United States.

Resolved, That as the Constitution and Laws of the United States made in pursuance thereof, are the supreme law of the land, "anything in the Constitution or laws of any State to the contrary notwithstanding," therefore any act of the Legislature of a State, which if carried into effect, would prevent or defeat the rightful exercise of any of the powers vested in the General Government, is void.

Resolved, That the act of the Legislature of Ohio, levying a tax on the Bank of the United States, if carried into effect would compel a removal from that State of the offices of discount and deposit there established and thereby prevent and defeat the rightful exercise of the power vested in the General Government by virtue whereof the officers of the Bank were there established.

Resolved, That inasmuch as the judicial power of the United States extends to all cases in law and equity arising under the Constitution and laws, this Legislature is of opinion that the judicial power of the United States is co-extensive with the legislative power, and that it appertains to the judicial department of the government of the United States to determine cases arising from a conflict between the laws of the United States and the laws of a particular State, and that the preservation and due exercise of this power is essential to the peace and safety of the Union. (256)

Resolved, That, in the opinion of this Legislature, the proceedings in the Circuit Court of the United States for the district of Ohio, in the before mentioned report stated, do not violate the letter or spirit of the eleventh article of the amendments of the Constitution of the United States, nor constitute any just cause of complaint.

Resolved, That while this Legislature will always be ready to lend its aid to defend against any real encroachment on the rights of any of the States of the Union, it will give its full support to the General Government, so long as it confines itself within its prescribed limits, in the exercise of the powers entrusted to it by the people of the United States, to secure the great objects for which the Constitution was formed.

Resolved, That his Excellency the Governor be requested to transmit to the Governors of the several States of the Union a copy of the foregoing resolutions.

In the House the report was accepted, and the resolutions adopted, by a vote of one hundred and seventy-two yeas to eight nays; but in the Senate, mainly, as it was said, through the influence of an active Democratic politician, a member of that body and afterwards of the United States Senate, they were indefinitely postponed by a vote of seven yeas to five nays.

CHAPTER VII.

Correspondence to the Close of 1824. — Letters to and from Mr. King, Mr. Gore, Judge Story, and Mr. Webster. — Mr. Mason, in 1824, a Candidate for the United States Senate. — Causes of his Defeat.

DANIEL WEBSTER TO JEREMIAH MASON.

BOSTON, *January* 12, 1821.

MY DEAR SIR,—We learned by Mary's letter of Jane's recovery, which gave us great pleasure. We had become a good deal alarmed for her. You perceive our Convention is over. We have got out as well as we expected. As soon as our volume of debates and proceedings is published, I shall send it to you. It was a great body in numbers, and though I think it generally was well disposed, there was a good deal of inflammable matter, and some radicalism in it. We were extremely fortunate in finding a considerable number of gentlemen well disposed, who might otherwise have occasioned much trouble. You laugh a little, I know, at our early debates about Rules and Orders, etc. But the "Rules and Orders" brought us out at last. Without them there is reason to think we might have come badly off. Some of our friends have increased their reputation a good deal. I think Judge S. has done so, although he had a great deal of that commodity before. Dutton, Hoar, and Saltonstall have decisively risen, not a little. We think three good things done; the Judiciary, the College, and the future amendment articles. As to the rest, there may be different opinions. The House of Representatives is not enough reduced; but we could go no further, without departing altogether from town representation. The Senate stands pretty well. Whether the (258) Religious Article is helped or hurt, its friends hardly know; so I suppose no great injury has probably been done it. Some smaller amendments about the militia, etc., have passed, which it would have been better to have omitted. I learn that you have finished your Common Pleas. The consequence, I think, must ere long be, an entire new modification of your Supreme Court. I hope you will keep in the Legislature long enough to pass a law for districting for members of Congress. I think that quite an object.

I suppose I must leave home for Washington about the 25th. I wish you could make business up here for a day or two, before that time.

I have had no regular *talks* with anybody, since you were here, and I think there were some subjects which we left unfinished.

I want to look into Moore's "History of the English Revolution," to ascertain a particular fact. I will thank you to give it to the stage-driver to be brought to me, Sunday or Monday. It will come safe.

Yours with usual regard, D. WEBSTER.

JEREMIAH MASON TO JOSEPH STORY.

PORTSMOUTH, *January* 20, 1821.

MY DEAR SIR, — While the debates were going on in your Convention, I was so much occupied with the ordinary business of our Legislature that I did not read them with much attention. I have lately read some of the principal speeches, and anticipate the pleasure as well as instruction, I shall derive from the volume containing the whole, which I understand is to be published. I am told your best folks are pretty well satisfied with the result. You have certainly gained considerable for the Judiciary, something in lessening the number of Representatives in the House, and also for the College, and in the matter of future amendments. I am more certain that some of you have gained an increased stock of reputation. The bad usages which have prevailed in your State Legislature, subjected you to some difficulty at first, in the matter of rules, and (259) orders. But after that was over, I am decidedly of opinion that the debates and doings of the Convention cannot fail to elevate the character of your State. I hope also they will shed some lustre on the rest of New England, which stands greatly in need of it. I suppose you must be about setting out on your annual journey to

Washington. The State of Virginia, it seems, has provided you with another case, involving State rights. I see by the last "National Intelligencer," that her Legislature has made a pretty bold attempt to forestall the decision of your court, in the lottery case. Virginia will never be quiet till she gets into her natural state of opposition to all the departments of the national government. Mary was much delighted with her visit at your house. She returned suddenly from Boston, as perhaps you may have heard, on account of the sickness of her sister, who has now happily recovered. Wishing you a prosperous journey, pleasant session of your court, and happy return, I remain,

My dear Sir, as ever, sincerely yours,

J. MASON.

JEREMIAH MASON TO JOSEPH STORY.

PORTSMOUTH, *January* 8, 1822.

MY DEAR SIR,—I should have answered your letter of last Oc-October immediately, had I not felt a little timid in expressing any opinion on one of the subjects you mentioned; I mean your slave-ship case.[1] On receiving your letter I made a slight attempt to examine the question. I found that I had not all the late English cases, and as I knew little about it, I concluded the wisest course was to say nothing. I rejoice that you have been able to come to the result you have, so suitable to the character of a court of justice, and to the nature of our system of government, and so congenial to all our best feelings. I am very desirous of seeing your opinion, which from an intimation in one of the public papers, I expected would (260) have been published before this time. I take it you must necessarily come into conflict with the opinion of Lord Stowell. It will be highly honorable to our country to take the lead and give the law on this subject, and I trust you will be supported by the Supreme Court (where I suppose the cause has gone), and not impeded by any interference of the Executive Government. I have no difficulty in the questions discussed last summer in the Boston newspapers

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[1] Mr. Mason refers to the case of *La Jeune Eugenie*, 2 Mason, 409.

relating to the action of replevin, to which you allude. I had occasion, a few years ago, to examine that point, and then concluded that the Massachusetts doctrine was unsound.[1] In that conclusion I was confirmed by the late discussion, which showed as I think much industry and ability. The publishing of reports of law cases in so many of the States, is doubtless in many respects beneficial, but I fear it will in the end prove in some respects injurious. From the time of Dr. Sangrado to the present, men have generally been pretty resolutely determined to abide by the opinions they have put into their own books. Were it not for this difficulty in retracting published opinions, it is probable the court of Massachusetts would have returned to what can hardly be doubted is the true doctrine of the law. I have no doubt, however, that the Massachusetts reports are on the whole beneficial. Many of the cases are ably discussed and have been highly useful to us in this State. But I still think it would have been much better that some of the cases had been omitted. The science of the law is rapidly progressing, and if the business of reporting was managed more sparingly, fewer anomalies would at a future period be found in the laws and practice of the different States. I learn from Washington that the expected attack on the judiciary will be made, but, according to my informant, with little prospect of success at this time. The Kentucky proposal for amending the Constitution will end in smoke. The objections to (261)
that project are obvious and insuperable. Besides destroying one of the leading principles of our government, a separation of the departments, it would subject judicial decision to all the intrigue and management to which a legislative body is always exposed. What chance for justice or consistency in a factious and somewhat popular body, feeling little responsibility, a vast majority of whom if left to the influence of correct motives, would be wholly incompetent to the proposed task! If this experiment could be tried, without disturbing the Constitution, I should not dislike to see the attempt.

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[1] The Massachusetts doctrine was that replevin lies for a wrongful detention of the plaintiff's goods, although the original taking may have been justifiable. Judge Story held that the taking as well as the detention must be unlawful in order to authorize the process. See Baker et al. *vs. Fales*, 16 Mass. 147; Meany *vs.* Head, 1 Mason, 319.

The nation would soon become sick of it, and the failure would free the Supreme Court from much undeserved odium. I do not believe there is any immediate danger to the judiciary by any acts of the Legislature. But what may be finally effected by perseverance and reiterated attempts it is impossible to say. A considerable portion of the jurisdiction of the courts of the United States is of such nature as will be always likely to give offense and excite angry passions, and unfortunately not only all the responsibility, but all the odium rests on the judges of the Supreme Court. From their insignificance, or some other cause, the judges of the district courts share no part with you. I do think it is greatly desirable that there should be inferior courts, of character sufficiently reputable to bear a portion of the responsibility. But of this at present there seems to be no chance. The Supreme Court has no choice of courses to be pursued. The straightforward course is the only one that can be followed. It may be with as much temperance as the Chief Justice pleases, and no man ever excelled him in the exercise of that virtue. But any vacillation or retracting, which might be set down to the score of the present noisy threats, would be not only inconsistent with a due regard to personal character, but in their consequences, destructive of the best interests of the nation. I have confident hopes that the doctrines of the new school will be met, both in and out of Congress, by such a manly opposition, as will put them down, before there shall be time for them to do much injury. I have been lately informed that our friend Webster has given (262) intimations that Chancellor Kent might probably be induced to accept the presidency of Dartmouth College. I know nothing of the ground on which this intimation has been made. Probably you may. I think you are personally acquainted with the Chancellor. I have no manner of doubt he would be appointed without the least hesitation, if it were understood he would accept the appointment. I have no direct communication with any of the trustees, but am told measures will be taken to ascertain whether he will accept. If you can with propriety, I wish you would use your influence with him to induce him to hearken to the proposal. It would be highly gratifying not only to us in New Hampshire, but to all New England, to have him among us. At the first blush, perhaps the situation would not seem very eligible for him. But if he intends to spend the remainder of his life in literary pursuits, it matters not much where his place shall be. A man of his eminent talents can always make a place suitable for himself.

With the greatest esteem and respect, I am truly yours,

J. MASON.

JOSEPH STORY[a] TO JEREMIAH MASON.

WASHINGTON, *February* 21, 1822.

MY DEAR SIR, — I had the pleasure of receiving your late letter a few days since. I will not conceal how much satisfaction it gave me to learn your approbation in the case of *La Jeune Eugenie.* It was one of those questions on which professional minds might well differ, but which I felt involved a great principle of morals. The opinion has been read by several of the judges here, and in general I think it not unsatisfactory to them in its results. The Chief Justice, with his characteristic modesty, says he thinks I am right, but the questions are new to his mind. Mr. Pinkney agrees entirely in the result, and in all the intermediate reasoning except on a single point, where he thinks the doctrine so qualified, that he does not think it incorrect, though he says he paused upon it. Speaking of this gen-

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[a] Joseph Story (1779-1845), was appointed to the United States Supreme Bench at thirty-one, by Madison, in 1811, where he sat for thirty-four years. He assisted the development of American constitutional law in fixing the statutes of American admiralty, patent and equity jurisprudence. Story says that after reading Blackstone, Mr. Sewell, his preceptor, directed him to read Coke on Littleton. "It was a large folio, with Hargrave & Butler's notes, which I was required to read also. Soon after Mr. Sewell's departure for Washington, I took it up. I set myself down and wept bitterly. My tears dropped upon the book, and stained its pages. It was but a momentary irresolution. I went on and on, and began at last to see delight, ay, and to feel that I could comprehend and reason upon the texts and contents. When I had completed the reading of this formidable work, I felt that I breathed a purer air, and that I had acquired a new power." — 1 *Story's Life and Letters*, 74.

Story said of Mason: "Mr. Mason is the most eminent counsellor at the bar of New Hampshire. He is, as everyone acquainted with him knows, a laborious, acute, learned, sagacious, accurate lawyer, whose mind is capable of the highest reaches of reasoning and whose comprehensiveness of view rarely leaves anything untouched or unseen, belonging to the subject which he investigates." —*Story's Autobiography,* 23 (Written in 1804.)

tleman, I am sorry to inform you that on Sunday last he was taken very ill, with what is generally thought an apoplexy. But it is called by some softer name, a brain fever—for instance. He is better now, though still very ill, and I have my doubts whether he will ever again be thoroughly well.[1] At all events I think we shall scarcely again witness his extraordinary efforts. It is remarkable that Mr. Wirt[a] was taken ill at the commencement of the term with a like attack, from which he is slowly recovering, and it is exceedingly doubtful if he will be able to attend court during the whole term. Our business has been exceedingly deranged by these accidents, and very little important business will be done this session. The propositions of Virginia, etc., and of Mr. Johnson of Kentucky, respecting the judiciary are not likely to find much favor here in Congress. From opposite motives there will be hostility to them; and I learn that even in Virginia, Mr. Eppes, in offering his resolutions against the judiciary, has met with a rebuke,—seventy-two against seventy-eight members voting to postpone them indefinitely. This looks somewhat ominous. In respect to the candidates for the Presidency, discussion has somewhat subsided, but it is clear that all public business is colored with the hues borrowed from this subject. Every measure is watched with a jealous regard to its bearing on this point. Kentucky is at present firm for Mr. Clay, and will struggle hard to bring other Western interests, to bear in his favor. Mr. Crawford's friends are evidently alive and exerting themselves. Beyond all question Virginia means to stick by him. Mr. Adams seems in *statu quo*. I do not hear that he makes any friends, and unless supported by Maryland, he will not have a commanding vote. I do not learn that he has any very zealous partisans at work for him. Mr. Lowndes by present appearances will not ultimately run against any other candidate from South Carolina, but his friends will unite with those of Mr. Calhoun.[b] This latter gentleman stands very high here among elevated and considerate men, and appears to be gaining ground. His youth is against him, (264) and will probably weigh much in abating the wishes in his favor. But in all other respects I am told he is thought superior to most, if not all of the candidates. It is impossible to conjecture what will be the event, and I have not even attempted to speculate on it. I think, if he is not set up, his friends will probably incline to Mr. Adams. The whole Cabinet is by the ears. All are candidates, and as I hear, they are quite shy of each other. I imagine that consultations are merely formal, and advice rarely given in concert. I have thus thrown out all that I can learn of the floating rumors and guesses in this city of uncertainties; and am, with my respects to Mrs. Mason and Mary, most sincerely but in great haste,

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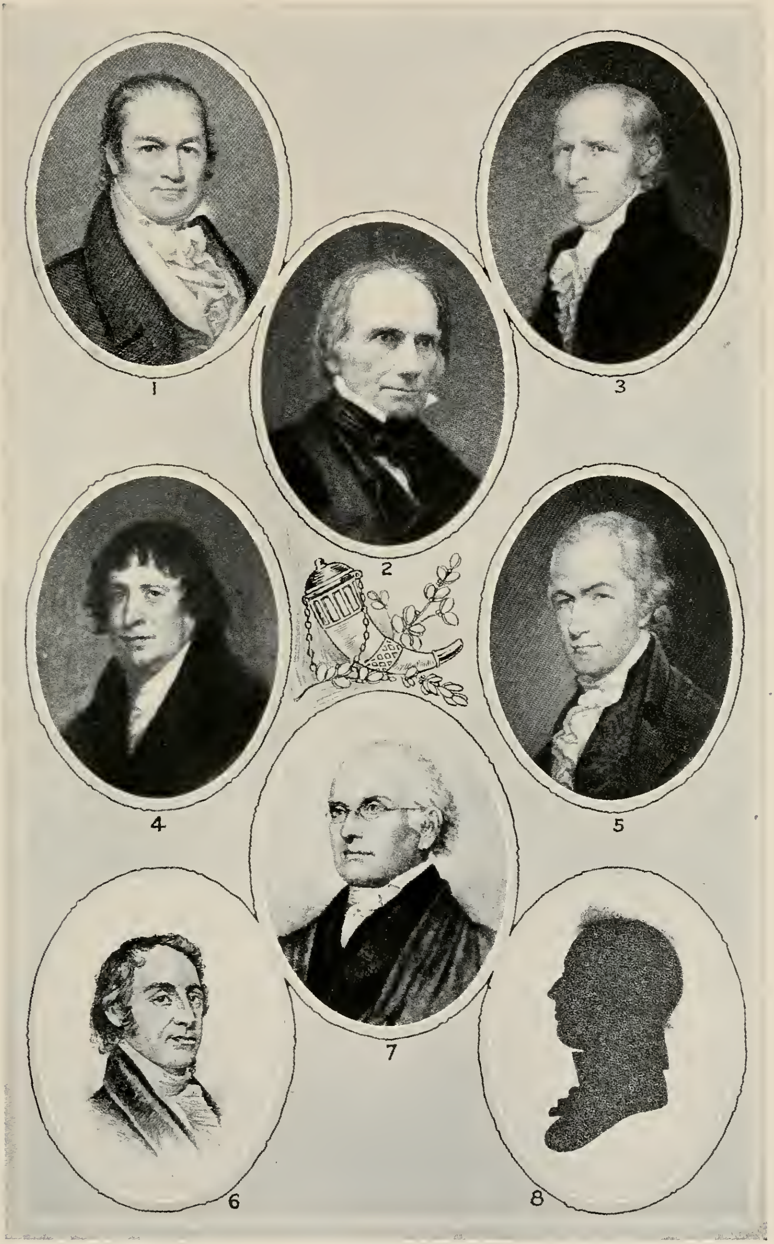
[1] Mr. Pinkney died four days after the date of this letter.

[a] William Wirt (1772-1834). Says Rufus Choate: "Wirt at 35 years of age, was, I think, the most interesting man of the profession of our country. Webster and Pinkney had not then come out in national relief. With them, letters were an after-acquisition; with Wirt, the literature was originally congenial. I didn't hear him in his prime (Choate read law with Wirt, in 1821, when the latter was 49), for the winter I was in his office he was struck down in the middle of preparing a

Your faithful friend, JOSEPH STORY.

great case by a sort of paralysis, brought on entirely by over work. Wirt told me once that he sat right behind Webster in the Dartmouth College case and he didn't hear anything of that pathetic peroration which Goodrich describes; at least, he was not impressed with anything in particular about it. I think Wirt's argument in Burr's case, and on the motion to exclude all the testimony as to what occurred in other parts than the venue, his greatest effort on record." — — *Parker's Reminiscences of Rufus Choate*, 271-2; also 2 *Great American Lawyers*, 306, by John Handy Hall.

[b] Rufus Choate, James Parton, W. H. Sparks, and Senator Jas. H. Kyle, speak depreciatingly of Calhoun; not so, Daniel Webster and Henry Cabot Lodge, the latter of whom recently said: "He was really a great man, one of the conspicuous figures of our history. In that history he stands out clear, distinct, commanding. There is no trace of the demagogue about him. He was a bold, as well as a deep thinker, and he had to the full the courage of his convictions. The doctrines of socialism were as alien to him as the worship of commercialism. He raised his mind to truths. He believed that statesmanship must move on a high plane, and he could not conceive that mere money-making and money-getting were the highest objects of ambition in the lives of men and nations. He was the greatest man South Carolina has given to the Nation. * * * He was one of the most remarkable men, one of the keenest minds, that American public life can show. It matters not that before the last tribunal the verdict went against him, that the extreme doctrines to which his imperious logic carried him have been banned and barred, the man remains greatly placed in history. The unyielding courage, the splendid intellect, the long devotion to the public service,



1. WILLIAM H. CRAWFORD. 3. TIMOTHY PICKERING.
2. HENRY CLAY.
4. THEOPHILUS PARSONS. 5. ALEXANDER HAMILTON.
6. SAMUEL DEXTER. 8. JOSEPH DENNIE.
7. JOSEPH STORY.

DANIEL WEBSTER TO JEREMIAH MASON.

BOSTON., *March* 23, 1822.

MY DEAR SIR,—I came home this day week, after a longer absence than usual, and having had a severe cold on the way, which detained me two or three days at New York. My observation at Washington has not probably enabled me to say anything new to you, as Mr. King has probably often written you, and his guesses are worth a great deal more than mine. I have formed, however, one or two opinions, which I shall state, without at present giving reasons for them, as to the future events. In the first place, I think it clear there is to be a *warm* contest for the Presidency; and my expectation is that after sifting out sundry candidates having less support, the final struggle will be between Crawford and Calhoun. It would certainly come to this, if the present Congress were to decide the matter and were now to take sides. Whether the People may not interfere, before the time comes, and make a President of somebody else, I know not. The New York dominant party talk mysteriously, and hint that they may bring up Mr. King. Of all this I do not believe one word. I think they are aiming not to serve Mr. King, but to serve themselves *by him;* and I fear he is (265) not quite so fully impressed with this truth as he ought to be. I

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the pure unspotted private life are all there, are all here with us now, untouched and unimpaired for after ages to admire." — From speech on acceptance of the Statue of Calhoun, in U. S. Senate, Mar. 12, 1910.

On the contrary, James Parton says: "Mr. Calhoun was not a student; he probed nothing to the bottom; his information on all subjects was small in quantity, and second-hand in quality. Nor was he a patient thinker. Any stray fact or notion that he met with in his hasty, desultory reading, which chanced to give apparent support to a favorite theory or paradox of his own he seized upon eagerly, paraded it in triumph, but pondered it little; while the weightiest facts which controverted his opinion he brushed aside without the slightest consideration. His mind was arrogant as his manners were courteous. Everyone whoever conversed with him must remember his positive, peremptory, unanswerable '*Not at all, not at all*' whenever one of his favorite notions was assailed. He was wholly a special pleader; he never summed up the testimony. We find in his works no evidence that he had read the masters in political economy; not even Adam Smith, whose reputation was at its height during the take the New York votes to be yet to be disposed of, according to circumstances. Pennsylvania, it is thought, will be unanimous for Mr. Calhoun, and I suppose is the basis of his expected support. I have heard opinions expressed, respecting other States and parts of States, about which speculations have been formed. Maine is expected to go for Mr. Crawford. Your Mr. Hill is gone to Washington, and in all probability he will pledge New Hampshire to the same interest. I think the "Intelligencer" latterly favors the same interest. The President, as far as he ventures to have any opinion, is, I imagine, against that interest. We had rather an interesting court. There were some causes of consequence. Your friend Tazewell (who quotes you on all occasions) made a good speech in one of these Baltimore privateering causes. He is a correct, fluent, easy, and handsome speaker; and a learned, ingenious, and subtle lawyer. Our friend Judge Story seems to have drawn up more than his share of opinions; and I think in general they were very able. In the Spanish Commission affairs go tolerably well. The general course is favorable to the North and the real mercantile losses except only as far as relates to the contract cases which are likely to be forced in, against the opinion of the Commission. I have a particular reason for wishing to see you between this time and the first of May. Shall you probably be this way?

I am, dear Sir, yours as always,

D. Webster.

first half of his public life. In history he was the merest smatterer, tho it was his favorite reading, and he was always talking about Sparta, Athens, and Rome. The slenderness of his fortune prevented his traveling. He never saw Europe, and if he ever visited the Northern States, after leaving colloge, his stay was short. The little that he knew of life was gathered in three places, all of which were of an exceptional and artificial character — the City of Washington, the up-country of South Carolina, and the luxurious reactionary City of Charleston. His mind, narrow and intense, because, by revolving always in this narrow sphere and breathing a close tainted atmosphere, more and more fixed in his narrowness and more intense in its operations." * * * According to Calhoun's reasoning, South Carolina should have a veto upon acts of Congress. Very well; then each county of South Carolina should have a veto upon the acts of the State Legislature; and each town should have a veto upon the behests of the county; and each voter upon the decisions of the town. Mr. Calhoun's argument, therefore, amounts to this: that one voter in South Carolina should have

JEREMIAH MASON TO RUFUS KING.

PORTSMOUTH, *April* 12, 1822.

DEAR SIR,—I thank you for sending me your Report on the Restrictions of our Trade with the British West Indies. The very satisfactory view which you have given of the justice and policy of the measures adopted by the United States, must tend to silence the complaints which local interests had excited. In this quarter (266) of the Union no dissatisfaction has been felt except by a few individuals whose private interests were supposed to be affected. Our best informed merchants are of opinion that the value of this trade has been greatly overrated, and if it should be permitted to our vessels equally with the British, under the restrictions which would probably be imposed, that it could not be profitably pursued to any considerable extent. A strong recommendation of the President for acknowledging the independence of the South American provinces, and the extraordinary unanimity with which it was adopted by the House of Representatives, leads me to suspect there was information at Washington that this measure would give no serious offense in Europe. If the late intelligence of the declaration of the Spanish Cortes be true, it would seem that was not the case.

I hope we are in no danger of a misunderstanding with Spain, or any other power, on this subject. We are certainly not in a situation to justify the encountering much risk. In the present condition of our finances, it would be folly even to talk of a war. If I mistake not the people at large do not participate much in the zeal felt by their representatives on this occasion.

The squabbles among the members of the Cabinet for the succession tend to degrade the government and deprive it of the public confidence. It must require nothing less than the whole energy of the President to keep the peace of his own household. Should these squabbles continue, there is a chance that the people may take the matter into their own hands and determine it for themselves, in which event I hope that more than one of the present

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the constitutional right to nullify an act of Congress, and no law should be binding which has not received the assent of every citizen."—Article, "Calhoun," in *Famous Americans of Recent Times*, pp. 142 and 165-6.

candidates may be disappointed. The Baltimore pamphlet on the public defaulters, as far as it is known, attracts much attention. If the facts were fairly before the people, they would produce a strong sensation and in the end a beneficial effect. The government would be compelled to adopt a more efficient system of accounting for expenditures of public money. But there is no way by which these statements can reach the people. Since the Federal opposition ceased, no prudent conductor of a newspaper has deemed it (267) expedient to publish anything that might give offense to the powers that be. And this will continue to be the case until an opposition shall arise under some other name and from a different quarter. I do not know how to account for the long continuance of such entire apathy and indifference towards the present administration. It seems to have neither friends nor foes.

From the exictement that prevailed in Virginia and several other States, a violent attack on the Supreme Court was expected in the course of the present session of Congress. I am glad to see that this, together with a multitude of other projects of less importance, will probably end in smoke. I know it has often been said that lawyers are apt to attach too much importance to the judiciary department. I confess I have long been of opinion that the vigorous exercise of the judiciary power, to the full extent now authorized by law, was absolutely necessary for the preservation of the government. I think there is more occasion for extending than for restraining the exercise of this power. Were it not for the extreme jealousy, on the score of State rights, felt in some sections of the Union, I should like to see provision made by law for the exercise of this power, to the utmost limits fixed by the Constitution. I cannot see how the other two departments of government can be effective, where the judiciary can do nothing. A restriction of the judiciary power necessarily involves a correspondent restriction of the other powers of government. It must be so at least in all cases where the general government comes in conflict with the State government.

With great respect and esteem I am faithfully yours,

J. Mason.

RUFUS KING TO JEREMIAH MASON.

JAMAICA, L. I., *May* 17, 1822.

DEAR SIR,—I thank you for your obliging letter received at Washington. After a long and unprofitable session, Congress (268) adjourned last week. Our South America recognition ought to make, and as I hope will make, no change in our political relations, though some apprehend difficulties. It is not probable that ministers will be sent before they are needed by our government; the delay will afford opportunity to select proper characters and to watch the course of events; it will morever avoid the eclat of a premature proceeding. At the early period of the session we saw much eagerness on the subject of the next President; but the disinclination manifested by some of the State legislatures to enter into an early discussion of the question had the effect to discourage the same, and the session finished leaving the candidates in the situation in which it found them. Mr. Adams stands where he was. Calhoun did not advance. Crawford holds his own, and Clay is encouraged to persevere. His hopes rest on the election to be made by the House of Representatives. The subject will be resumed at the next session, and events which may occur in the interval may serve to render men more decided and explicit. The competition between the heads of departments creates jealousies and divisions in the proceedings of Congress, and these will be increased in future sessions. The situation of the incumbent is such as might have been expected. The last year or two of his predecessor exhibited but little evidences of the attachment or fidelity of his political friends. The close of the actual Presidency will not in this respect be more fortunate.

Our commercial difficulties with France will, as I conceive, be settled by a convention between Mr. Adams and Mr. Neuville. It will be only for a year or two, but will probably lead to a future and reciprocally beneficial adjustment. From England we have information that their West India ports are about to be opened. Some persons doubt whether in the present state of our navigation, the opening of the trade to British and American vessels will be advantageous; but those who have most considered the subject of commerce, best understand the advantages of its freedom, and with confidence depend upon its penetrating qualities and the tendency thereof to its increase. If the markets of all nations were open, the (269) consequence would be to create the highest stimulus to commercial enterprise and human industry. I am persuaded that this theory is the true one for the people of the United States, and it is a comfort to me to believe that it will make our country illustrious.

With regard and respect, I am dear Sir,

Your obedient, faithful servant,

RUFUS KING.

JEREMIAH MASON TO CHRISTOPHER GORE.

PORTSMOUTH, *April* 17, 1823.

MY DEAR SIR,—In a letter I had from Mr. Payne, within a few days, he informs me that you had in good degree recovered your health; that you were much better than you had been for several years past, and that there was a fair prospect of your again having the use of your limbs. I most cordially congratulate you on this happy event. Be assured, my dear sir, I am exceedingly rejoiced. There are very few persons in the world, whose welfare would give me such sincere pleasure. The patience and magnanimity with which you have borne your long continued and severe sufferings, have always excited my admiration. I hope and trust that the present prospect will not prove fallacious. I have enjoyed good health all my life, with few trivial exceptions, and I have been often told that no one can duly appreciate the full value of health, without having undergone the pains and penalties of sickness. I pray God you may long enjoy your present happiness without again paying its extravagant price. It seems Dr. Eustis has carried his election with an overwhelming majority. I was prepared for this result, when I saw both Orthodoxy and the Hartford Convention invoked to his aid. This is the second time Mr. Otis has been the unfortunate occasion of calling up the ghost of that unlucky convention. I hope it is now laid forever. This is probably the last struggle of Federalism. This last defeat, in its stronghold, like most former ones, has been effected by the want of policy and the mismanagement (270) of the leaders.

Whether the result ought to be deemed matter of regret, depends in my opinion almost entirely on the course that shall be pursued by the successful candidate. Since the dissolution of the Federal party in the United States, I have not been able to see any general benefit from retaining its name and nominally supporting its principles in a single State. It may have been convenient to individuals, and possibly beneficial to that State at large. However that may be, it has certainly been injurious to neighboring States, by impeding by its example the amalgamation of parties. Without much confidence either in the wisdom or moderation of the successful candidate, I still hope the follies of Gerry's administration are not to be reacted. If I mistake not, the spirit of the times does not require it, and would ill bear it, unless excited by what is now to become the opposition.

I see it stated in the papers, that Judge Jackson has resigned. This vacancy, left to be filled by the successor of Governor Brooks, would I think add much to the security of the bench. Should an individual obnoxious to the dominant party be appointed, ways and means would be easily devised for removing him, and probably his brethren with him. This State, Connecticut, and New York furnish ample evidence that in times of party excitement judicial offices are no more permanent or secure than others.

I am just released from a long and tedious session of our court. One of our judges, being about to become Governor, [1] [a] thought an attempt to clear out the docket would add to his glory. This occasioned a long adjourned session in this county. I intend soon after the Circuit Court of the United States, which will begin 8th May, to go to Boston. I am the more desirous of this, as I anticipate the pleasure of seeing you in good health. With my and Mrs. Mason's best respects to Mrs. Gore,

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[1] Judge Woodbury.

[a] Levi Woodbury (1789-1851). American jurist, born in Francestown, N. H. He graduated at Dartmouth, in 1809; began law practice in Francestown; and in 1816 was appointed clerk of New Hampshire Senate. In 1817 he became a judge of the State Supreme Court, and was one of the three judges that sat in the Dartmouth College case, when tried in the State Court. He was Governor of New Hampshire, in 1823-4, Speaker of the Lower House of Congress, 1825; U. S. Senator, 1825-31; Secretary of the Navy, 1831-34; and Secretary of the Treasury, 1834-41. He was again a member of the Federal Senate, 1841-45; Associate Justice of the U. S. Supreme Court, 1845-51, until his death. His political, judicial, and literary writings were edited by Nahum Capen (3 vols., 1852). Judge Woodbury said of Mason: "In a profound knowledge of several branches of jurisprudence, and in some of the most choice qualities of a forensic speaker, he had in his palmy days, not merely in this State (Massachusetts) or New England, but in this whole country few equals, and probably no superiors." — *Remarks of Judge Woodbury, upon Mr. Mason's death, U. S. Circuit Court, Boston, Oct.* 17, 1848.

I am truly and affectionately yours,

J. MASON.

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JEREMIAH MASON TO JOSEPH STORY.

PORTSMOUTH, *April* 24, 1823.

MY DEAR SIR,—I see that by an act of the last session your circuit is to commence at Portland the 1st of May. We expect Mrs. Story will accompany you to Portland, as she intended to do so one or two of the last times you went there. We shall be highly gratified if you can make it convenient to spend a day or two with us as you go down. We shall depend at all events on your coming directly to our house, and remaining for the night, which you must of course spend in Portsmouth when on your way to Portland. I had promised myself the pleasure of going with you to Portland. I was applied to to argue a cause pending in your court there. But I believe it is agreed to be continued, which will deprive me of the excuse for going. Mr. Webster wrote me from Washington, a few days ago, to ask you for a letter he had written to you, of and concerning the appointment of a successor of Judge Livingston. I feel a curiosity to know the causes of the unexpected demur that has happened in that matter, and wish you would remember to put the letter in your pocket. When I first heard of the death of Judge Livingston, I had strong hopes that Chancellor Kent[a] would have been appoint-

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[a] James Kent (1763-1847.) "The case of Griswold v. Waddington (15th and 16th Johnson's Reports) contains more elaborate and thorough investigation into the consequences of a war, as affecting the relations, intercourse and contracts of the respective subjects of the hostile parties, than is to be found in any other adjudicated case, or in any treatise on the subject, in our own, or in any foreign language. It is not merely a judicial opinion, but a most learned and ex-

ed; but if what I have heard intimated be true, that this appointment is embraced in the calculations of the present great political juggle, whatever may be the cause of the delay, I think Chancellor Kent stands no chance. I do not see how his appointment can be made to answer the purpose of any of the candidates. With best regards to Mrs. Story, in which Mrs. Mason joins me,

I am, as ever, truly yours,

J. MASON.

JEREMIAH MASON TO JOSEPH STORY.

PORTSMOUTH, *November* 3, 1823.

MY DEAR SIR,—I received, a few days ago, the package herewith sent, from Sparhawk, the secretary of this State, containing, as he says, several pamphlets of our statutes, with a request that I would see them forwarded to you. I suppose this is intended to be in compliance with a resolve passed while I was in the Legislature. If I rightly remember, that resolve directed him to send you all of our statutes then in force, and future ones as published. I recollect such was the purport of the resolution introduced, and something was said about there not being in the secretary's office a complete set of the statutes in print. Whether the resolution was amended in consequence of that suggestion, I do not recollect. But I do remember speaking to Mr. Sparhawk on the subject, and he promised me to send you the volume containing our last edition of the statutes, and

haustive dissertation on this branch of national and municipal law, embracing a masterly and critical analysis of all the cases and supporting every position by an irresistible force of argument and weight of authority. Like the famous treatise of Bynkershoeck on Public Law, it ought to be not transiently consulted, but by a diligent and repeated perusal, should be transcribed into the mind of the student." — *Judge Duer's Discourse on Kent*, pp. 50-1.

"English schoolmen may discuss the various merits of Nottingham, Hardwicke and Eldon and award the palm to the one or the other, or resort to nice distinctions and qualifications, but the mere mention of American equity suggests Kent, at once, the founder and expounder of Chancery in the United States. That he was without a rival in this particular domain is but faint praise, for he is without a competitor. The seven volumes of Johnson's Chancery Reports do not admit of comparison." — *Jas. Brown Scott on Kent*, 2 *"Great American Lawyers,"* p. 531.

such pamphlets since published as he had in the office, or could procure. In case you have not received them and will inform me, I will procure them for you.

I have a letter from Mr. Webster, stating that Mr. Clinton has started in the Presidential race, with the present appearance of extraordinary popularity, in the State of New York. He seems to think, from present appearances, that Mr. Clinton stands a good chance to carry the State of New York. If so, it increases the probability that the election will be decided in the House of Representatives. My son George returned last evening from his Western peregrination. He returned by way of Detroit, through the Lakes, and is full of stories of perils by land and by water. One of the latter went near being fatal to the poor fellow. In crossing the Hudson at Albany, he imprudently—as is common for young men and not uncommon for old men—sat in a close carriage. By a mishap the horses with the carriage went out of the boat into the river, where the water was twenty feet deep. He luckily crept out of a window and hung on to the carriage till taken off by another boat, (273) immediately after which the carriage sank. He sustained no other inconvenience than a thorough ducking in the cold water, and the wetting of his baggage, which was afterwards recovered. He has seen a good deal of the Western world, and I trust will derive some benefit from it. He seems not to be desirous of returning with a view of a residence there. I am sorry he had no opportunity to deliver the letter you so kindly gave him to Judge Todd.

With my and Mrs. Mason's respects to Mrs. Story, I am, dear Sir, as ever, truly and affectionately yours,

J. MASON.

DANIEL WEBSTER TO JEREMIAH MASON.

PRINCETON, *November* 20, 1823.

MY DEAR SIR,—We are thus far on our way well, and without accident. I spent two or three days in New York, and write this principally to give you information of what surprised me, and will agreeably, I imagine, surprise you. I mean the extraordinary present popularity of Mr. Clinton. I was in no manner prepared to hear the language, held in the city, on that subject. The various candidates for the Presidency, or their friends, now seem to consider him the most formidable opponent, as far as that State is concerned. What from the natural reaction of popular sympathy, in favor of one who is supposed to have been hardly used, and what from his now acknowledged merits, as connected with the canal, he seems rising very strangely. In short, his friends speak with great confidence of his success in that State, and with almost equal confidence of his strength in Ohio. This gives a new aspect to things, and probably renders still more improbable any choice by the electors. Mr. Clinton's friends, and Mr. Calhoun's friends, at this moment, seem to think the only controversy in New York must be between those two. They admit that Mr. Adams has a great body of well wishers and some active friends; but they think neither class is increasing at present. And Mr. Crawford, they (274) think, or affect to think, out of the question. In the mean while it seems to be understood, as far as I could learn, that the friends of Mr. Clinton and Mr. Calhoun would go along amicably, for the present, at least, and until public opinion should more fully develop itself. In all the Middle States, there is such a fashion, or passion, for entertaining projects of internal improvement, that considerations of that sort are expected to have influence on the highest elections. Foreign relations being all quiet and pacific, and no high party feelings at present existing, the necessary exitement of public sentiment seems only likely to be found in schemes of internal improvement. I believe you and I have the fortune, good or ill, to have committed ourselves in favor of the constitutional power of Congress to aid such objects.

I hope to find a letter from you at Washington. Mr. Stockton's good family are all well, and desire their respects to your family. Julia is at New Bedford for the winter.

Yours, most truly,

D. WEBSTER.

DANIEL WEBSTER TO JEREMIAH MASON.

WASHINGTON, *November* 30, 1823. *Sunday Evening.*

DEAR SIR,—We arrived here on Wednesday evening safe and well, after a journey which on the whole was pleasant and agreeable. Our lodgings were ready, and are very comfortable. The attendance of members is uncommonly large, and we shall have a quorum, no doubt, tomorrow. Mr. Clay arrived last evening. He will doubtless be Speaker, although I understand Mr. Barbour's friends intend to run him. It will not go. Mr. Clay's popularity as Speaker is great, and he is, in many respects, a liberal and honorable man. His health is not good, but I fancy not so bad as to induce him to decline the chair. Though I think him tolerably liberal, and not unfriendly in his general feeling, yet I do not suppose that in the organization and arrangement of the affairs of the House he will (275) venture to disregard old lines of distinction. Mr. King has arrived, but I have not seen him. Both your Senators are here.

I have not seen much here yet to add to the stock of knowledge on the subject of the Presidential election. It looks to me, however, at present, as if it might happen that Mr. Crawford would ere long be given up and his friends go off in a direction to Mr. Clay. It appears to me to be *our* true policy to oppose all *caucuses*,—so far, our course seems to me to be clear. Beyond that I do not think we are bound to proceed, at present. To defeat caucus nominations (or prevent them), and to give the election, wherever it can be done, to the people, are the best means of restoring the body politic to its natural and wholesome state.

Mrs. Webster sends a great deal of love to you all.

Yours, most truly, D. WEBSTER.

I hope you have not abandoned an idea which you intimated to me at Dorchester. I think you will do exceedingly right to take that step, and am sure you will not regret it. It will excite no jealousy or suspicion *here*, at all; and you have reasons which will allay any that might arise at home.

JOSEPH STORY TO JEREMIAH MASON.

SALEM, *December* 2, 1823.

MY DEAR SIR,—I am greatly obliged to you for forwarding to me the pamphlet laws of New Hampshire. I have never received those passed at June sessions of 1819 and 1820, so that my series since the publication of the first volume is broken. I should be very glad to obtain the missing laws of 1819 and 1820, and if the Secretary of State could furnish me with them it would be quite a favor.

I had not heard from Mr. Webster, until I received your letter, since his departure. The new Presidential candidate quite surprises me. But he is a buoyant man, and though I think his chance very small, it may probably send the choice to the House of (276) Representatives. I still incline to think Mr. Adams' chance upon the electoral vote, better than that of any other candidate. But there are so many slips between the cup and the lip, that I do not even pretend to prophesy. Mr. Calhoun is acquiring friends who will steadily aid him; but it appears to me that he has very great obstacles to overcome, whether the choice be with the people or with the House of Representatives. I dare say I shall hear much and see much on the grand arena at Washington this winter.

I have lately received a letter from Judge Jackson, in which he speaks pleasantly of his reception in England. He says that the English are very reserved to persons who are not regularly introduced to them, but when certified of your character and domicil they are as hospitable and frank as any people. He thinks American society is very much courted in England, particularly by the higher classes of society. He has received many civilities from accidental acquaintances, which gave him very favorable impressions. Fortunately, my letter to Lord Stowell was useful to him, for his lordship immediately called on him and showed him great civility. This leads me to say that I have lately received a letter from Lord Stowell, with a beautifully bound copy of his ecclesiastical decisions in the Consistory Court in London, in two volumes. He apologizes for not having written me before, and states that ill-health, old age, and the death of friends have so absorbed his time, that he has voluntarily done nothing beyond his official duties. He mentions that the common-law courts are in a sad state. Lord C. J. Dallas, Chief Baron Richards, and the Master of the Rolls (Sir T. Plumer), are in very ill health, and some of the puisne judges also; so that a good deal of the business is done by serjeants, which does not give satisfaction. The sick judges cannot retire, because they have not served long enough to entitle them to the retiring pension. I was not before aware that there was any particular period fixed for this purpose. But you may see that everything in England settles down upon established usages. He mentions also the attacks in Parliament on Lord Eldon, and confidently believes (277) he can vindicate himself. When we next meet you shall read it at large, and I am sure it will gratify you. By the way, I find by late English papers, that both Lord Eldon and Lord Stowell have been seriously ill. At their ages (seventy-five to seventy-seven), it can hardly be expected that they should be able to work much longer, but how their places are to be supplied, I cannot conjecture......

Yours most truly and affectionately,

JOSEPH STORY.

JEREMIAH MASON TO DANIEL WEBSTER.

PORTSMOUTH, *December* 29, 1823.

DEAR SIR,—I have seen the report of the Judiciary Committee of the last session, which you mention. The first mentioned project, of adding two more judges to the Supreme Court, is in my opinion entitled to very little consideration. The reasons mentioned against it in the report are sufficient. Another, and perhaps not less weighty reason, is that such increase of the number of judges would greatly lessen their individual responsibility, which with most men constitutes the strongest security for diligence and faithfulness in the performance of public trusts.

Much better than that is the third proposal, which is to make two circuit courts for the Western States with judges, who are not to be members of the Supreme Court. The want of courts in those States is certainly an evil, which Congress is bound in some way to remedy. The establishment of cirucit courts there, on this plan, seems to furnish a ready remedy for the evil there. These courts will be anomalous in our system, but not more so than the present district courts in those States, with the powers of circuit courts, are. No objection arising from any provision of the Constitution against establishing such courts occurs to me. It will probably tend to a long continuance of irregularities in the system and mar its beauty. Congress will soon be pressed to establish similar courts in some of the present circuits, where, by reason of their great extent, or the (278) age or infirmities of the judges assigned to them, it will be said they cannot discharge the duties of circuit judges. On the whole, I think this plan ought to be adopted, if nothing better can be done.

But I prefer the second project in the report, which is to create circuit courts on the plan of those of 1801. The only objection against that mentioned in the report, is that those courts were tried and abolished. This rests wholly on party feelings. Whether those feelings have subsided sufficiently to do away the force of this reason, I cannot judge. The reason then urged, that the courts were unnecessary, cannot now apply with equal if with any force. Since the repeal of the act creating those courts, the population of the United States has doubled, and the litigation in the courts more than twice doubled.

Something like this plan must, I think, in the end be adopted, and if it would be done now it would be better than to postpone to a later period or introduce it by degrees. I think this desirable for many reasons. The jurisdiction of the courts of the United States ought to be enlarged to the extent of the Constitution, except in small cases of trivial importance. The courts are the only source from which the nation can hope for a system of jurisprudence worthy of it. From the States' courts nothing can be expected. The vacillating policy of our little petty States, leading to such frequent changes in the organization of their courts and more frequent changes of judges, forbids all hope of system or consistency in adjudications. Of this the judicial history of New England for thirty years past furnishes sufficient evidence.

The late resolution in New York tends to the conclusion that the large States have no better foundation for hope. For the business that ought to be done in the national courts, the present establishment does not afford a sufficient number of judges. I make no account of the district judges. When brought to act in matters of serious importance, as members of the circuit court, none of them, as far as I know, have been, or are of any value. Out of their own district courts they do nothing. This leaves the whole labor and (279) weight to be borne by the seven judges of the Supreme Court. In my opinion, they ought not to be made to bear either. In some of the circuits the judge of the Supreme Court can do the present business. That is the case in this circuit. The business here is probably now as well, and perhaps better, done than it would be by a court on the proposed plan. But this depends on the character of the judge, and the smallness of his circuit. It was very different during Judge Cushing's time. While he presided in the circuit courts, nothing of importance was or could be done there. And this at some period has been the case in other circuits. In some circuits the business is said to be too much for a single individual, in addition to his duties as judge of the Supreme Court. This has been said of the western circuit. But it seems to me improper that the business of a court of extensive and important jurisdiction should depend even on the health of a single individual.

I think, also, there ought to be two sessions yearly of the Supreme Court, which cannot be while the judges hold the circuit courts. Trials there are often delayed for want of time, to the great inconvenience of the parties. But what is still worse, decisions are sometimes made, and opinions drawn up and delivered, in haste to prevent the delay of another year.

More courts and judges are also wanted for the purpose of enabling them better to defend themselves and their jurisdiction. In all the attacks on the judiciary, the judges of the Supreme Court, alone and unaided, have been obliged to fight the battle. The poor district judges have never been thought of in the attacks, or felt in the defense,—a larger corps of judges would afford more strength and stability.

This course tends obviously to the extension and more thorough establishment of the judicial power of the national government, and for this reason will be apt to meet with opposition from those who are hostile to that power. How powerful such opposition would be, I cannot conjecture, although I think this the best plan, and that it ought not to be abandoned; yet were I in your situation I would (280)

JEREMIAH MASON.

Taken soon after his marriage at age of thirty-one.

not propose it at this time unless I saw a tolerable prospect of success. The attempt if unsuccessful would be injurious, as it would tend to put off the time of its final accomplishment to a period more distant than otherwise might be.

Your motion in favor of the Greeks has produced some excitement. Our good people here talk of doing something by way of contribution. Mr. James Sheafe, and some others of the discreet merchants, say they fear it will offend the Turks and endanger their vessels in the Mediterranean.

Yours truly, J. MASON.

DANIEL WEBSTER TO JEREMIAH MASON.

WASHINGTON, *February* 15, 1824.

MY DEAR SIR,—The caucus was holden last night, and you will see its result. The number attending was smaller than was expected; and it seems to me the measure is more likely to *hurt* than to *help* Mr. Crawford. You will observe that a majority of three States only attended. This is an awful intimation of what will be the consequence if the election should come into the House of Representatives; and I fully believe it must come there. It does on the whole now seem to me extremely probable that Mr. Crawford's prospects are at an end. Even with New York he can have little hope. The Pennsylvania Convention will meet the 4th of March, and I presume will nominate either Jackson or Calhoun, and probable the former. If so, Mr. Calhoun will be no longer a candidate. Then the question is, who will be the three candidates presented to the House. Mr. Adams certainly will be one. If Mr. Crawford gets New York, he will be one; but he should not, and I doubt whether he will, he will not come in to nomination, in which case the other two will be Clay and Jackson. Mr. Crawford being out of the case, Virginia, it is thought by Mr. Tazewell, would be not unlikely to go for Mr. Adams; and she might (281) influence Maryland and North Carolina so that the present aspect of affairs looks to me favorable to that gentleman. But the moon does not change so often as the prospects of these candidates. One thing is observable: they are all, just now, very civil toward Federalists. We see and hear no abuse of us except in some places in New England. I hope all our friends will see the propriety of keeping very quiet, at present. Our time for action has not come, but is aproaching. I hope your election of governor will not be made to mingle Presidential matter with it. I presume the old democratic regular party, or its accustomed leaders in New Hampshire, will now feel authorized and obliged to support Crawford. Others of the party will not. There will of course be a schism, and it will be time enough six months hence to decide what course of conduct the case requires from Federalists. The election in Massachusetts is important in the same view. I think it not unlikely it may result in a Federal Legislature, which, if done without bringing up the question of President, may be of some importance. The Court is going on very well; the business this term is likely to be not as heavy as usual. We have no opinion yet in the Steamboat Cause; but I presume there can be no doubt how it will go. The case of collision, is, I think, unquestionably made out; and I have no doubt the Court will decide, that so far as respects commerce between different States (which is this case), the law of New York is inoperative. Possibly the navigation of the New York waters between port and port in her own territory, may be subject to different consideration. I have as yet reported no bill on the judiciary, but incline to think we shall recommend a partial system of circuit judges. If we had more confidence as to the course the appointing power would take, we might act differently. I find your Mr. Plumer, who is on the committee with me, a very pleasant and respectable man. I see more of him than of all the rest of your delegation. Of the compliments my Greek speech has received, I value your letter more than all; for although you say of course as much as you think, I presume your real opinion is so favorable that (282) you believe the speech reputable. I am quite satisfied with that. The motion ought to have been adopted, and would have been by a general vote, but for certain reasons which the public will never know, and which I will not trouble you with now. I could divide the House very easily on the subject now, and perhaps carry a vote. Whether I shall stir it again must be considered. Mr. Adams' opposition to it was the most formidable obstacle. You saw how Messrs. Clay and

Bartlett[a] settled their matter, or, rather, how somebody else settled it for them. I presume you are right as to the motive which led Bartlett to speak a conned speech against my motion. That was all fair enough. At least I could not complain. But when he brought into debate his broad Dover court wit, I thought it better to settle the account on the spot. A similar motive, I fancy, influenced a few other creatures from New England; but I am bound to say, that out of New England, I do not think it influenced more than two or three members.

Mrs. Webster and our children here are quite well. We all send our love to Mrs. Mason and the family; among whom we hear you have the pleasure to reckon Julia Stockton. Her brother left here for home three days ago. He is to come back in a fortnight or three weeks.

Yours always,

D. WEBSTER.

CHRISTOPHER GORE TO JEREMIAH MASON.

BOSTON, *February* 22, 1824.

MY DEAR SIR,—I thank you for a letter some time since received, and entertained hopes that you might visit our city while we remained in its precincts. The warm weather of yesterday, and asparagus from Waltham—not, however, from the open ground—excited a wish of being in the country. The storm of this day dissipates such desires, and we are content under the guardianship of Mr. Quincy. You will have seen the eloquent speeches of our friend Webster and others. Randolph was quite amusing, and many think (283) more wise and correct than usual. Indeed, it is generally considered here that after the flourish of Mr. Monroe and the members of Congress, the business ended as well as could be wished, though Professor Everett may be disappointed of a foreign mission. The House of Representatives, I fear, are more noxiously employed now in providing means for employing the Treasury and corrupting the people, under the title of promoting internal improvements. It remains to be seen if the new tariff can supply all that may be wanted for these purposes, should this, as I cannot but feel unwise, measure succeed.

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[a] This refers to Ichabod Bartlett, who was in the lower house of Congress at this time, and came very nearly having a duel with Henry Clay. See Vol. 1, Green Bag, 1889—article, "Ichabod Bartlett."

Crawford appears to have gained a nomination. The effect of this will be something in his favor. Whether the rebellious spirit of Democracy will resist Chandler and Co. is doubtful. Adams' sun does not appear very bright. His brother Democrats are willing to surrender him, if a caucus of true Republicans at Washington prefer another.

Mr. O., you will see, is again before the public, not as a candidate for the chair of state, but as member of the Hartford Convention, which his opponents have rendered odious, and have tainted him so deeply with, that the dye can hardly be removed by his ink, though profusely spent.....

When the spring opens and we return to the shades of Waltham, may we flatter ourselves with an expectation of seeing Mrs. Mason and yourself; leave room at least for one day from her relations in the city to visit her friends in the country.

With our best regards to your wife and children, I remain,

Ever faithfully yours,

C. Gore.

JEREMIAH MASON TO JOSEPH STORY.

Portsmouth, *April* 12, 1824.

My dear Sir, — After congratulating you on your safe return from the fatigues of your session at Washington, I wish to inform (284)
you that I have just received a letter from Mr. Webster saying that it is rumored at Washington that Judge Sherburne had resigned, but that official information had not been received of his resignation; that all the Representatives of this State, with the exception of Mr. Plumer, had signed a recommendation for Judge Livermore as his successor; that Mr. Parrott, also of the Senate, had signed the paper, and that Mr. Bell was restrained by considerations of delicacy. This information, Mr. Webster says, was communicated confidentially to him, and must be used accordingly. He has probably given

you the same information, if not I am certain he could have no objection that you should know it. For the purpose of ascertaining how the fact as to the resignation was, two persons this forenoon, went in succession to Judge Sherburne and told him there was a rumor he had, or was about to resign. He replied to each of them that there was no manner of foundation for it; that he neither had resigned nor intended to resign. Notwithstanding this reiterated assertion, one of the gentlemen, who is very competent to form a correct opinion, tells me that he is satisfied, from the Judge's manner of talking on the subject, that he either has resigned or is in some negotiation for so doing. He says the Judge seemed to have his recollection better than usual for some time past. I am inclined to think that he has sent on his resignation to Washington, to be delivered or retained, as may be thought best by some person there. I am very desirous that Nat. A. Haven, jun., should be appointed to this place, whenever there is a vacancy. He is in all respects suitable for it. You probably may recollect a conversation we had last autumn with Mr. Webster. Under the present circumstances, it seems awkward to do anything, as it is possible Judge S. has not resigned, and I wish that may prove to be the case, for I fear the combined influence of our members of Congress. If no objection to such course occurs to you, I wish you would write one or more letters recommending Mr. Haven, and send them inclosed to Mr. Webster, to be used on such contingency as you may prescribe, or at his discretion, if you think best. I shall write to (285) him in that way. But no great influence from this State can be made against the united recommendation of our delegation. . . . . .

With the greatest esteem, faithfully yours,

J. MASON.

JEREMIAH MASON TO DANIEL WEBSTER.

PORTSMOUTH, *April* 12, 1824.

MY DEAR SIR, — It is rumored here that Judge Sherburne has resigned. The Judge peremptorily contradicts it, and says that he neither has nor intends to resign. Still, from what I have heard, I cannot but believe that there is something like a negotiation on the subject going on.

In case the Judge shall resign, I am desirous that Nat. A. Haven, jun., should fill the vacancy. His fine natural talents, high legal and literary attainments, united with the most entire purity of mind and character, render him eminently suitable for a judicial situation. If you will make his real merits known to the government, I have great confidence in the belief that he will be appointed. I am with the greatest esteem,

Your friend and obedient servant,

J. MASON.

JEREMIAH MASON TO RUFUS KING.

PORTSMOUTH, *April* 13, 1824.

MY DEAR SIR, — I thank you for several packages of Congressional documents, which I have received during the present session under your frank. I have read your speech on the "Central Power," with much interest. It was in my opinion well timed and admirably calculated to awaken the public attention on a most important subject. The debate was rude, and, as reported, in some instances vulgar, and must consequently have been painful. This certainly (286) ought to have been checked. But I do not comprehend the grounds on which the President ruled the subject-matter to be irrelevant and out of order. The danger of this power is, I trust, fast becoming more palpable. It cannot bear open discussion. The attempt to exercise it on the late occasion seem to me to have been ill-judged. A very considerable portion of those intended to have been controlled, instead of submitting will go into open rebellion. I have done forming conjectures of the final result of the Presidential election. The prospects of the candidates are more changeable than the moon. The newspapers, which hitherto have been the great engine for operating on public opinion, are for the most part suspected of being so thoroughly pledged for the support of their respected favorites that they have on this subject lost a part of their accustomed influence.

All this quarter is supposed to belong to Mr. Adams, and so it does at the present time, and it is probable he may hold it long enough for his occasion; this, however, is not quite certain. He has few personal friends, and no very strong hold on their public feelings. A tremor in the popular pulse is often perceptible. His greatest security consists in the want of favor here for either of the opposing candidates, and not in attachment to him.

I was sorry to see the public avowal of your determination to retire from the Senate at the close of the present Congress. I had entertained hopes that you would have retained your situation there for another term. Your retiring will create a vacancy which I have no expectation of seeing effectually filled. In whatever situation you may be, my warmest wishes for your prosperity and happiness will always follow you. I am, with the greatest esteem,

Most sincerely yours, J. MASON.

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DANIEL WEBSTER TO JEREMIAH MASON.

WASHINGTON, *April* 19, 1824.

DEAR SIR, — I hear nothing further about the resignation. The members here now think it has not taken place. I hope it has not. Possibly the events of the summer may enable you to get up a respectable interest for Mr. Haven. The Senate will probably take up the Tariff Bill to-morrow, and an attempt will be made to commit it to a select committee. It is generally thought the Senate will a good deal modify, or altogether reject the measure. But this is not very certain, as the majority is not large either way. We have heard a good deal of nonsense on this subject, and some of it from high quarters. I think you will be surprised at Mr. Clay's[a] speech. It is printed, and I shall send you a copy. My speech will be printed, and you will get it.[1] Whatever I have done in other cases, I must say that in this I have published it against my own judgment. I was not expecting to speak at that time, nor ready to do so. And from Mr. Clay's ending, I had but one night to prepare. The ideas are right enough, I hope, but as a speech it is clumsy, wanting in method, and tedious. We have rather a calm about the Presidential election. There is nothing in my opinion, at present, to change the expectation that Messrs. Adams, Crawford, and Jackson will come to the House. In two or three days, I believe we shall try to fix a day for adjournments. I hope very much to get home before you go to Concord, and see you. I will keep you informed of the events bearing on this point, and if I get home, you must come up to Boston. Among other things, hope you mean to district the State for the choice of members to Congress. *My* great business of the session remains yet undone, that is, to get through the law for paying the Spanish claims. We apprehend some trouble about it from quarters where we did not expect it. Mr. King thinks we ought to take stock, payable both (288) as to principal and interest, out of the Florida land sales! I hope he will withdraw his opposition to the proposed bill (which provides for payment in cash), or that we shall be able to overcome it.

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[a] "Clay was a man of large natural ability, but he lacked the training of a systematic education. He learned early to appreciate the heaven-born endowments, and to rely upon them for success in his chosen career. Of sanguine temperment, quick perception, irresistible energy, and enthusiastic disposition, he was well fitted to be a party advocate, and was the greatest parliamentary leader in our history. Jefferson, Clay and Blaine have been our three greatest

[1] This was Mr. Webster's speech on the tariff, delivered in the House of Representatives April 2, 1824.

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tacticians, and their followers were greatly depressed when any one of these heroes was defeated. Clay was inclined to 'crack the whip' over those of his supporters who exhibited a desire to hang back and question whither his impetuous lead would tend. He knew men well, but he had no knowledge of books. The gaming-table had for him allurements that he could not find in the library. According to the manner of his time, he drank to excess. His warm heart made him a multitude of friends; his impulsive action and positive bearing raised up enemies; yet at his death he left not an enemy behind him. He was withal a man of inflexible integrity. Straightened in pecuniary circumstances during a large portion of his congressional career, he nevertheless held himself aloof from all corruption. Other Americans have been intellectually greater, others have been more painstaking, others still have been greater benefactors to their country; yet no man has been loved as the people of the United States loved Henry Clay." — 1 *James Ford Rhodes' History of United States*, 120.

Webster said of him: "I think he never was a man of books, a hard student; but he has displayed remarkable genius. He has been too fond of excitement, — he has lived upon it; he has been too fond of company, not enough alone; and has few resources within himself. Now a man who cannot, to some extent, depend upon himself for happiness, is to my mind one of the unfortunate." Henry Clay was born in Virginia, 1777, read law with Chancellor Wythe; and died in Washington, D. C., June 29, 1852.

Mrs. W. and the children are very well. We all begin to be very desirous of going home. Please remember us most affectionately to your family.

Yours very truly,

D. WEBSTER.

RUFUS KING TO JEREMIAH MASON.

WASHINGTON, *April* 24, 1824.

DEAR SIR, — The newspapers will have apprised you of the proceedings of the House of Representatives upon the receipt of the letter of Mr. Edwards, preferring charges against the Secretary of the Treasury.[1] The committee composed of able members, of whom our friend W. is one, have dispatched the deputy sergeant-at-arms to Illinois, to require the attendance of Edwards before the committee for examination. Whether they will serve the Secretary of the Treasury with a copy of Edwards' memorial, and call for his defense, I have not heard, nor has there yet been time for consideration and decision. The fact is the proceedings are of first impression, and the course is to be discovered and adopted by the committee. I have reason to think that your counsel would be useful, and lead to confidence in the prosecution of this affair. The joint committee have agreed to recommend to the two Houses to adjourn on the 17th of May, and there is now no reason to believe that Edwards will be able to appear before the committee by that day. If the committee search the charges to the bottom, it will require several weeks; and this cannot be done without the personal examination of (289) Edwards. Congress may continue in session, or authorize the committee to proceed in recess, and adjourn to some earlier period than the usual time of meeting, to receive the report of the committee. If Edwards fails to make good his charge, he is destroyed. Such are the feelings of Crawford's party. If the charges, etc., be made good, another man will be overthrown. Thus you see that these are no ordinary measures. It may be attempted to smother or suppress the investigation by a partial report that may exculpate Edwards as a false accuser, and in this way acquit Crawford. The practicability of doing this must be very doubtful. I am inclined, without knowing, to conjecture that the committee will be disposed to go to the bottom of the charges, let the decision affect whomsoever it may. I pray you consider well and answer with as little delay as you can. Should not the proceedings assume the form of precise answers to charges, instead of general denials and references to correspondences and documents which may prove nothing precise, and the meaning of which it may be difficult to make out?

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[1] On the 19th day of April, 1824, Ninian Edwards, formerly United States Senator from Illinois, presented a memorial to the House of Representatives, containing serious charges against Mr. Crawford, Secretary of the Treasury. A committee to whom the memorial was referred, fully exonerated Mr. Crawford; in consequence of which Mr. Edwards was required by the President to resign his appointment as Minister to Mexico, and also to refund the outfit and quarter's salary he had received.

With great respect and esteem, I am, dear Sir,

Your obedient servant,

RUFUS KING.

DANIEL WEBSTER TO JEREMIAH MASON.

WASHINGTON, *May* 9, 1824.

MY DEAR SIR, — It seems now to be extremely uncertain whether I shall see you before you go to Concord. The Houses will probably not agree to adjourn until the 20th or 25th, and I may be detained beyond that time, as the commission of Spanish claims closes the 8th of June.

There are several things on which to say a few words, which I must write, since there is so little hope of a communication, *ore tenus*.

First, as to President. I have not observed any great recent change, in appearance, as to this election. Mr. Adams[a] appears, (290) however, to be increasing in strength. The novelty of General Jackson is wearing off, and the contest seems to be coming back to the old question between Mr. Adams and Mr. Crawford. They, with Jackson, will, I think, come into the House; and my belief at present is that Mr. Adams will be chosen. But Mr. Crawford's friends are, nevertheless, as confident as ever. As to the feelings of these two gentlemen and their friends toward Federalists, you know my opinion. It has not essentially changed, except that circumstances have compelled them all to treat us with increasing respect. The events of the winter, with the common operation of time, have very much mixed up Federalists with some or other of the parties, and though it is true that some men make great efforts to keep up old distinctions, they find it difficult. Of Mr. Crawford's friends, the South are liberal and the North are not. I have reason to think the caucus address very disagreeable to Mr. C. himself, and many of his friends. It was the work of the North. Mr. Adams, I think, sees also that exclusion will be a very doubtful policy, and in truth I think a little better of the kindness of his feeling toward us, than I have done. I have always taken it for granted that Mr. Adams would get New Hampshire, certainly, as against Mr. Crawford, if for no other reason, on account of Mr. C.'s supporters there. At least I have not seen how

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[a] John Quincy Adams (1767-1848.) "There was something rasping and jarring in Adam's delivery, and when the old man undertook to make himself heard, as he sometimes did, above the din and confusion, he helped most to create, his voice, though apt to break, would pierce the remotest corner of this ill-constructed chamber (House of Representatives) like the shrill notes of a fife. If his manner in speaking was harsh and unsympathetic, his matter when in debate was still more so. He indulged in the bitterest personalities, sarcasm, and cutting invective, exposed motives and imputed usually the most unfavorable, as his memoirs show, and in his whole course of action appeared very lightly bound to the cur-

rent opinion of his time. He conciliated neither parties nor party idols. But in his courageous independence and fixedness of purpose lay the secret of his influence, which widened rapidly now that the rivalry of personal ambition was eliminated; for there was a sort of stubborn integrity about him, a passionate patriotism. His keen insight, too, and profound conception of coming dangers, made his guidance more powerful with his fellow-citizens than they were aware. Athletic in his studies, he dived into the depths of the subject which interested himself and the public and brought up facts and motives. With family traditions and experience in public affairs reaching back to the sources of our government, with systematic habits of which the younger statesmen might despair, who was unwilling to give up the pleasures of social intercourse, Adams in his old age knew more of his country's history than any other living American. Reading and experience made him full; journalism made him exact." — 4 *Schouler's United States History*, 185.

When the friends of Tom Marshall, of Kentucky, wished him to meet Adams in debate, in 1842, the Kentuckian replied: "Not I. I have been gored by that d——d old bull, and have had enough of him. If there be any of this kind of work, it must be undertaken by somebody else. The old devil, as you call him, is a match for a score of such fellows as you and I."

Federalists could possibly join with those who support Mr. C. The company he keeps at the North is my strongest objection to him. I hope you will get through the session without committing yourselves. The electors, I presume, will be chosen by the people; and you will see perhaps clearer in August or September than in June. Still I fancy you will find a very great majority of the Legislature favorable to Mr. Adams.

As to Senator. I feel much more interest on this subject than the other. I have constantly cherished a sort of hope that you would consent to come here once more, and that events might possibly bring you in. How that is, I cannot now see, at this distance; but if the good people are willing you should come, I hope most (291) earnestly you will. I like Mr. Parrott's course and conduct very well, and should much prefer him to any others likely to be chosen, unless it be yourself. He could undoubtedly be provided for, under the next administration, in some agreeable mode, as he is generally respected. If, however, it comes at last to a question between him on one side, and Governor Woodbury, or Governor Morrill, etc., etc., on the other, I think there ought not to be a moment's hesitation. I trust you will not forget the districting of the State. That is a great operation, as far as it is desirable to complete the destruction of the caucus system.

We do not yet hear from Mr. Edwards. Some think he will not come back in season for this session. I imagine we shall wait till about the 24th, and if he is not here by that time that Congress will adjourn, leaving the commission to take his evidence when he comes. There will be a great call for a Report, as far as practicable, before the House adjourns, which perhaps must be made.

Our bill for paying the Spanish awards, which I told you was with me the great business of the session, has passed the House. It was violently opposed, however, by Mr. Clay, Mr. Randolph, and others. Strange as you may think it, Mr. King has a great inclination to oppose it in the Senate. I trust, however, he will finally not do so. It will pass, I hope, without great difficulty. If it should, the awards, I presume, will be paid immediately after the 8th of June.

Mrs. Webster sends her love to your household. We are all quite homesick.

Yours always,

D. Webster.

It will be observed that Mr. Webster in this letter speaks of Mr. Mason's return to the Senate of the United States as an event which might happen. There was a strong desire on the part of his friends that he should resume the place he had formerly filled with so much honor to himself and so much usefulness to the country; and the state of politics at that time seemed to favor their wishes. By the gradual melting away of the federal party, the old political (292) divisions had ceased to exist, and new lines had not yet begun to be drawn. Politics were in a transition state, and votes were determined mainly by personal preferences for the four candidates for the Presidency: Mr. Adams, General Jackson, Mr. Crawford, and Mr. Clay, all of whom were members of the old republican party. All of the New England States, New Hampshire included, supported Mr. Adams; and Mr. Mason, who distinctly preferred him to any of his rivals, once more found himself on the side of the majority.

Mr. Mason in 1824, was, for the last time a member of the New Hampshire House of Representatives from Portsmouth; but as he was a candidate for the United States Senate, he appears to have taken comparatively little part in the proceedings of the Legislature. Though there were at that time no divisions on national politics, yet a majority of the House were members of the republican party; and in the Senate, which was only twelve in number, all but one had been Republicans.

There were at that time two sessions of the Legislature in New Hampshire — one in June and one in November. At the June session there was a strong and general sentiment in favor of Mr. Mason, but by common consent, the election was postponed to the November session, when the result of the Presidential contest would be known. But all were disappointed in this expectation, because, as is well known, there was no election of President by the people in the autumn of 1824. The vote of New Hampshire, as well as of all the other New England States, had been given to Mr. Adams.

In the interval between June and November, the question of United States Senator had been discussed all over the State with more interest than the claims of the rival candidates for the Presidency, and the public sentiment had been expressed so strongly in favor of Mr. Mason, that his friends confidently expected that he would be chosen without opposition at the November session.

In the mean time, Mr. Eastman, a State Senator, and brother-in-law of Mr. Levi Woodbury, had been elected to Congress. (293)

The Legislature met November 17, 1824, and on the 30th of the same month Mr. Mason was chosen United States Senator by a vote of more than two thirds of the whole House. This was communicated to the Senate, as was then the custom, in the form of a resolution naming the person chosen.

On the 3rd day of December, after several ballotings, the Senate elected Mr. William Plumer, jr., at that time a member of Congress. A special message was then sent to the House, informing them that the Senate concurred in passing the House resolution, with an amendment, striking out the words "Jeremiah Mason," and inserting "William Plumer, jr."[1]

On the same day the House non-concurred, thus adhering to Mr. Mason, by a vote of 142 nays to 58 yeas.

On the 7th of December, the Senate chose John F. Parrott; and on the next day the House non-concurred by a vote of 158 nays to 42 yeas.

On the 10th of December, the Senate elected Samuel Dinsmoor; and for the third time the House refused to concur, the vote being 112 nays to 77 yeas.

On the 21st of December a motion was made in the Senate to concur with the House in the choice of Mr. Mason. It was affirmed, and never denied, that seven members had pledged themselves to vote in the affirmative, but upon a count the ballots were six to six. The pledges had been so distinctly given that it was at first thought there had been a mistake in the count. A scene of much excitement followed in the Senate. A motion was made to raise a committee to inquire and report whether any error had been made in counting the votes, but after some discussion it was rejected. Public opinion charged Mr. Eastman with having voted contrary to his pledge, and the charge was never satisfactorily met. He served in (294)

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[1] William H. Y. Hackett, Esq., of Portsmouth, at that time assistant clerk of the Senate, was the bearer of the message to the House on this occasion. It was delivered by addressing the speaker, and announcing the amendment. As Mr. Hackett turned to go back to the Senate chamber, he passed Mr. Mason, who was standing before the fire in a corner of the Representatives Hall, and with a smile said to him, "Good-morning, Mr. Hackett, I see you propose a trifling amendment."

Congress but a single term, and failed of a re-election mainly, as was supposed, on account of the cloud cast upon him by his course on this occasion.

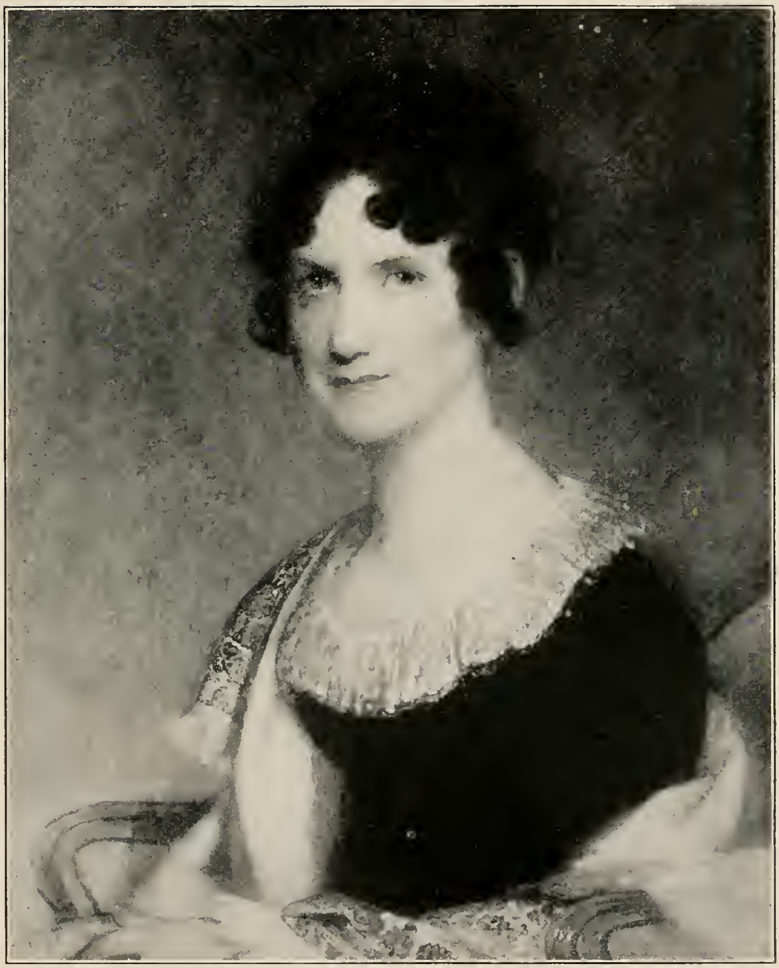
The result was that the session closed without any election of United States Senator, and at the June session of 1825, Levi Woodbury was chosen by both branches of the Legislature, he being at that time a supporter of Mr. Adams, though, as is well known, he soon became a zealous and trusted adherent of General Jackson.

This account of Mr. Mason's defeat may seem more full and particular than its importance demands; but it is curious as showing by what slight obstacles the course of events is often turned aside, and what grave results are produced by trivial and accidental causes. Mr. Mason would undoubtedly have gone to the Senate had not Mr. Eastman, one of his electors, been a brother-in-law of Mr. Woodbury, and had he not believed that his kinsman would have the best chance for the place if Mr. Mason were finally successful.

It is much to be regretted that the efforts of Mr. Mason's personal and political friends to return him to the Senate were not successful. He would at once have taken the place of a leader in that body, and being a supporter of the administration, he would have had a much more important share in the government and legislation of the country than in the days of Mr. Madison, when, being one of a hopeless minority, he could do little more than modify and criticise the work that was prepared by others. Mr. Adams would have found in his judgment and firmness a tower of strength to his administration. He would have always given faithful and disinterested counsel, and his calm and passionless wisdom was exactly what a man of Mr. Adams' peculiar temperament wanted. And to Mr. Mason personally a residence in Washington would have been more agreeable than it had been ten years before. In the interval Washington had made some progress in social and material civilization. The manner of living was more comfortable, and a more congenial society would have made him feel less keenly his absence from home. (295) His high professional reputation could hardly have failed to bring him a fair amount of business before the Supreme Court of the United States. And, lastly, the means of conveyance had improved, and his journeys to and from Washington would have been less disagreeable and fatiguing.

Mr. Mason bore his defeat with more equanimity than did his friends. He was indeed in that happy state of indifference which did not require him to affect what he did not feel, or conceal what he did feel. As a matter of duty, he was ready to accept the trust if it were offered to him; otherwise, he was well content to remain at home with his family and his clients. In his heart of heart he was probably more than content with a result which prevented him from embarking a second time on the stormy sea of politics.

And it may be proper here to state that the surviving members of Mr. Mason's family now look back with satisfaction upon a result which saved him from being again exposed to the turmoils and excitements of political life. They feel that while a further term of six years in the Senate would have been a gain to him so far as fame was concerned, it would have been a loss on the score of happiness. A more widely extended national reputation would have been but a poor compensation for the annoyances and discomforts to which he must have been exposed. His stern integrity, his high sense of public duty, his disdain of the tricks and devices by which party success is secured, and his blunt sincerity of speech, if they did not disqualify him for public service, made the calm and unambitious walks of professional life far more to his taste. (296.)



MRS. JEREMIAH (MEANS) MASON.

Taken soon after her marriage to Mr. Mason, in 1799, at age of twenty-one.

CHAPTER VIII.

Mr. Mason's Life and Correspondence from the close of 1824 till his removal to Boston in 1832. — Death of his Son Alfred. — Chosen President of the Branch Bank of the United States at Portsmouth. — His Policy in managing its Business. — Opposition awakened by his Course. — Successful Defense against the Charges brought against him.

DANIEL WEBSTER TO JEREMIAH MASON.

February 14, 1825.

Dear Sir,—You will have heard that Mr. Crawford declines the Treasury. I have understood his reason to be, that he preferred to leave his friends in a situation to support or oppose the government as they might hereafter think their duty required, without embarrassing them by his own connection with the administration. The Department of State is offered to Mr. Clay. He has it under advisement. It is thought to be doubtful whether he will accept it; but my own opinion rather is that he will. Nothing further is known, and I have no secrets. Mr. Cheves' name is mentioned, in conversation, for the Treasury. De Witt Clinton, Mr. McLean, Postmaster-general, and one or two others, have been suggested as candidates for the War Department. But these are, I presume, all rumors, and nothing more is known or decided at present. Mr. Wirt and Mr. Southard, it is understood, will remain in their places. I took care to state my own views and feelings to Mr. Adams, before the election, in such a manner as will enable me to satisfy my friends, I trust, that I did my duty. I was very distinct, and as distinctly answered; and have the means of showing *precisely* what was said. My own hopes, at present, are strong that Mr. Adams will pursue an honorable, liberal, magnanimous policy. (297) If he does not, I shall be disappointed, as well as others, *and he will be ruined.* Opposition is likely to arise in an unexpected quarter, and unless the administration has friends, its enemies will overwhelm it. It is not necessary, in writing to you, to deny the rumor, or rumors, which the press has circulated, of a place provided for me. There is not a particle of probability of any such offer. My own sentiments about those things are very much as they were when I saw you. The Court is going on slowly. Judge Story has very much recovered his health, and is in good spirits. The Chief Justice is uncommonly well. I hear little from your State. If you have half an hour from courts and juries I should be glad to hear from you.

Yours as always,

D. WEBSTER.

DANIEL WEBSTER TO JEREMIAH MASON.

BOSTON, *April* 19, 1825.

MY DEAR SIR, — I thank you for your kind letter. You do not and, cannot overrate the strength of the shock which my brother's[a] death has caused me. I have felt but one such in life; and this follows that so soon, that it requires more fortitude than I possess to bear it with firmness, such parhaps as I ought. I am aware that the case admits of no remedy, nor any present relief; and endeavor to console myself with reflecting, that I have had much happiness in lost connections; and that they must expect to lose beloved objects in this world who have beloved objects to lose. My life, I know, has been fortunate and happy beyond the common lot; and it would be now ungrateful as well as unavailing to repine at calamities of which, as I am human, I must partake. But I confess the world at present has for me an aspect anything but cheerful. With a multitude of acquaintances, I have few friends. My nearest intimacies are broken, and a sad void is made in the objects of affection. Of what remains dear and valuable, I need not say that a most precious part is the affectionate friendship of yourself and family. I want to (298) see you very much indeed, but know not whether I shall be able soon to visit Portsmouth. You will be glad to know that my own health is good. I have never, for ten years, got through a winter, without being more reduced in health and strength. My children also are well. Edward is at Boscawen, where he will probably stay this summer, or as long as the family may be kept together there. Daniel hopes to go to college in August. Julia proposes to pass the summer, or part of it, with Mrs. Lee, and must afterwards be disposed of as best she may. This occurrence is calculated to have an effect on the future course of my own life, and to add to the inducements already felt, to retire from a situation in which I am making daily sacrifices, and doing little good to myself or others. Pray give my love to the family.

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[a] Ezekiel Webster, (1780-1829,) the elder brother of Daniel, died at the age of 49. He was a man of high talent, much professional learning, and great solidity of character. Daniel relied upon his judgment. Before the younger brother left New Hampshire, for the larger field in Boston, in 1816, Ezekiel was unwilling to put himself forward in the law; but after such comparison was no longer likely to be suggested, he became eminent as an advocate. He and Daniel, in whom the powers of genius were united with its dangers, had struggled to get an education, the father mortgaging his farm to educate Daniel, and the latter had interceded with his father, mother and two sisters to have Ezekiel go to college, which was finally decided upon by the family, the mother saying, she "could trust the boys." By hard struggling, teaching, etc., Ezekiel was finally graduated at Dartmouth, in 1804, three years after the graduation of the younger brother, in 1801.

Yours affectionately and entirely, DANIEL WEBSTER.

JEREMIAH MASON TO RUFUS KING.

PORTSMOUTH, *April* 29, 1825.

MY DEAR SIR, — I was for many reasons rejoiced to hear of your appointment as minister to England. Again seeing your old friends and acquaintances there must, I presume, be gratifying to you personally, and, I am sure, it will prove advantageous to the public.

This appointment also indicates that Mr. Adams does not intend to pursue the miserable course of his three predecessors.

In a letter just received from Mr. Gore, he says you are to embark soon, but that you have an intention of visiting him first, and that he will notify me when you will be at Waltham. I should be highly gratified by seeing you here, but if that cannot be, I will certainly avail myself of the opportunity of seeing you at Waltham.

The Circuit Court of the United States sits here 9th May one or two days, which I must attend. At any other time during the ensuing month I can go to Waltham.

I am with great esteem, your obliged friend and obedient servant,
J. Mason.

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RUFUS KING TO JEREMIAH MASON.

Jamaica, L. I., *May* 3, 1825.

My dear Sir, — Last evening I received your letter of the 29th past. The mission to Great Britain was wholly unexpected by me, and not desired on my part; the offer of the President was accompanied by expressions of some solicitude for the satisfactory adjustment of all depending questions with England, and the determination to make sincere efforts to effect the reunion of political parties.

In these subjects I felt a deep interest, and it was suggested that they would be promoted by my appointment to the mission to Great Britain. Being undecided, I asked time for consideration, to confer with my family and to consult a few friends.

This was not deemed unreasonable, and the result has been, that I have accepted the mission, on which I may proceed in the month of June, accompanied by my eldest son, his wife, and a portion of their children. This arrangement will afford me the comfort and kindness of home, instead of being entirely dependent upon strangers. It would give me much satisfaction to meet you and other friends before my departure, but this will not happen, as I shall not be able to make my visit to our friend Mr. Gore, having, though a man of few affairs, so many concerns to attend to that I shall not have the necessary time.

With great respect and esteem, I am, my dear Sir, your obedient and faithful servant and sincere friend,
Rufus King.

DANIEL WEBSTER TO JEREMIAH MASON.

Washington, *March* 27, 1826.

My dear Sir,— During the session of the court, I had not leisure to attend to general correspondence. You must receive this as an excuse for leaving your letters so long unanswered. It happened, luckily enough, that the House of Representatives were occupied on no very interesting subjects, during my engagements (300) elsewhere.

You see Panama in so many shapes that you probably expect to receive no news in regard to it. The importance of the matter raises mainly from the *dead set* made against it in the Senate. I am afraid my friend Calhoun organized and arranged the opposition. He expected to defeat the measure. That would have placed the President in his power, more or less, and if the thing could be repeated on one or two other occasions, completely so. Mr. Adams, then, would have been obliged to make terms, or he could not get on with the government, and those terms would have been the dismissal of Mr. Clay. As far as to this point, all parties and parts of the opposition adhere and cohere. Beyond this, probably, they could not move together harmoniously. Vast pains were taken, especially with new members, to bring them to a right way of thinking. Your neighbor was soon gained. At the present moment, some who acted a violent part in the Senate wish to have it understood that they are not, therefore, to be counted as members of a regular opposition. I have been informed that Mr. Woodbury and Mr. Holmes disclaim opposition. Others again say they had not full information, and complain of that. Others make quotations of sentences, words, or syllables, from the documents, and carp at them. But you see all. In the House of Representatives it is likely the necessary money will be voted by thirty or forty majority. We may have a week's debate. Our Massachusetts claim came up on Saturday. One of the Jackson men attacked it with great bitterness. Generally speaking, they are exasperated with all men, and everything, that ever did, or is ever likely to oppose General Jackson. The Bankrupt Bill will be taken up, shortly I hope, in the Senate. If it shall come down to us, I shall press it hard. If the Senate reject it, I shall not think it worth while to introduce the discussion into our House. I observe the state of your recent elections. As between Governor Morrill and General Pierce, I suppose you found it difficult to make a choice. It appears to me your leading men are likely to classify themselves as opponents of Mr. Adams. It is, or is it not, desirable to bring things as fast as possible to that (301) issue? The Congress election takes place next fall. Would it not be well to set up a good strong ticket, and vote for it? Of the gentlemen now in the House of Representatives I do not reckon more than one or two, or three at most, who are really and truly in favor of the present administration. It is possible, however, that they may keep themselves from any overt and palpable acts of opposition. If it would do any good, I suppose means might be found to have letters addressed to Governor Morrill on this matter. Mr. Bell seems uncommonly zealous, and determined in favor of the President, and acts a liberal and manly part in recent and present occurrences. The real truth is, that Mr. Adams will be opposed by all the Atlantic States south of Maryland; *so would any other Northern man.* They will never acquiesce in the administration of any President on our side the Potomac. This may be relied on, and we ought to be aware of it. The perpetual alarm which is kept up on the subject of negro slavery, has its objects. It is to keep the South all united and all jealous of the North. The Northwestern States and Kentucky are at present very well disposed. So is Louisiana. Tennessee and Alabama will agree to anything or oppose anything, as General Jackson's interests may require. The Crawford men in Georgia, will doubtless go in the same direction. In North Carolina, there are some who prefer Mr. Adams to General Jackson, and in Virginia it may be doubted whether the General can be effectually supported. Virginia says little about the men whom she would trust, and opposes those actually in power. In our House, however, the Virginia phalanx of opposition is not formidable. More than a third in number may be reckoned favorable. There is some reason to think the Jackson fever begins to abate in Pennsylvania, and doubtless it is over in New Jersey. Under these circumstances, if New York and New England go steady, it is not likely that the South will immediately regain the ascendency.

The news from England does not represent Mr. King's health as entirely restored. He is able, however, to attend to business.

Yours very truly, D. WEBSTER.

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DANIEL WEBSTER TO JEREMIAH MASON.

(Private.)

WASHINGTON, *May* 2, 1826.

MY DEAR SIR, — Letters came yesterday from Mr. King desiring his recall, and proposing that he may be permitted to return, as soon as possible, to the United States! This is unlucky. It is a very unseasonable termination of that mission, and perhaps will settle some things not exactly as might be wished. The truth is, that Mr. King's health has been such, that he has been able to do nothing since he arrived in England. In the mean time, two or three things intrusted to him are of pressing and urgent importance, so much so, that I think it probable the President had determined to send out somebody to aid Mr. King in the negotiation, and then, perhaps, to proceed to France to act in conjunction with Mr. Brown, in renewed effort to obtain indemnity from the French government for spoliation, etc. I imagine it would have been thought advisable, under all circumstances, to have intrusted this special service to Mr. Gallatin. Mr. King's resignation has changed the state of things. I have not seen the President, since the news came, but I have seen Mr. Clay, who gave me the information. I incline to think the course will now be, to send Mr. Gallatin immediately to England to take Mr. King's place. Mr. Gallatin, I was told, was willing to go on a special, but not on a permanent mission. He does not wish, it is said, to be obliged to take a house or any establishment abroad, being rather desirous of husbanding his outfit, etc. What may come of this, I cannot tell; but see no way but to leave things to take their course. My impression, at present, is, that it would be unseasonable at present to make any movement to give another direction to the affair. The Judiciary Bill is yet between the two Houses. It may possibly be lost, but I think it will not be. If the Senate do not yield their amendment, probably we shall agree to it. A pretty satisfactory arrangement will be made as to the judges. The present Postmaster-general will be named, (303) in case Ohio be separated from Kentucky; otherwise, I conjecture the judge in that quarter will be N. F. Pope, at present district judge of Illinois. In Louisiana, I presume, a Judge Porter will be appointed; in Tennessee, either a Mr. Emerson or a Mr. Crabbe; I hope the former. In looking out for men for these places, a very honest and anxious desire is felt, I believe, to find men who *concur* in the leading decisions of the Supreme Court. If any error be committed on that point, it will be through misinformation. I intend to be home by the 22d or 23d of May. There remain no public subjects of great interest, except the Bankruptcy, which has breezed up, somewhat too late, in the Senate.

Be kind enough to give our love to Mrs. Mason and the children. As the Judge will be with you about this time, you may show him this.

Yours always truly,

DANIEL WEBSTER.

DANIEL WEBSTER TO JEREMIAH MASON.

BOSTON, *May* 31, 1826.

MY DEAR SIR,— We all arrived safe home, at the end of last week. The fatigue of the journey, the heat of the weather, and other causes, occasioned me an illness of two or three days, which I am getting over. All the rest of the family are quite well, and would be very happy, but for the loss of our neighbor Mrs. Blake. You will readily imagine that this affects us much. Mr. Blake is recovering his tone of mind much faster than I expected. His health is uncommonly good, and I hope we shall find ways to soothe his sorrow for his immediate loss. I have not been out yet, and know nothing of what is doing or intended here. Your last letter I received recently before leaving Washington. I have not been inattentive to New Hampshire affairs. I have had many and full conversations with Mr. Bell, and he has gone home with the best intentions. He will be at Concord the second week of the session; and I have no doubt he will take a straightforward course. He is fully satisfied (304) of the folly of our divisions at home; he is ready to denounce that folly, and to conjure his friends to abandon it. He means to rally the republican friends of the administration; and, if necessary, he will break with Hill. These, I believe, are his views and purposes. What he can do, or how far he will succeed, is more than I know. There is one great danger, and that is, that Hill will affect to conform, promise to come off from opposition gradually, and finally to come into the support of the administration, and by this course prevent an open rupture. Now all this, in my judgment, would be but giving Hill new credit, by which he would work more mischief in the end. He cannot be trusted in any promise or engagement which should bind him to a course of honest and liberal politics and manly feeling. For running an opposite race, he may be trusted without any promise at all. Even if the road led away manifestly from his own interest, he would follow it. Whether it be possible to strengthen Mr. Bell on this point, I know not. Possibly something may occur to you, and therefore I have made the suggestion. I understand that Mr. Bartlett, a few days before the adjournment, made a decided profession of friendship for the government, and of his intention to support it hereafter, *bona fide*. This I learn in confidence. Dr. Whipple is well disposed. Healy, who went there an oppositionist, seems really to have been converted; and Brown and Eastman probably are not ready to run against the current of things at home. I doubt, therefore, whether much opposition could be raised to the re-election of your present members, on the ground of their being in opposition. None of them would acknowledge the fact, unless, possibly, Mr. Harvey might. I think the present moment not unfavorable to our operation; and unless it be evaded, by the means I have mentioned, I should expect good from it.

I shall come down to see you one of these days, though I yet cannot say exactly when. I have nothing before me for the summer likely to occupy me much.

I am, dear Sir, very truly yours, D. WEBSTER.

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JOSEPH STORY TO JEREMIAH MASON.

SALEM, *August* 26, 1826.

MY DEAR SIR, — I have been delayed in writing you by the hope that Chief Justice Marshall might send me a favorable answer. I received a letter three or four weeks ago from him, in which he expressed a strong opinion that he should be unable to attend Commencement. But as his son had since that time resumed his connections with the college, I had indulged the belief that he might yet change his mind. There is no longer any hope that he will gratify us by his presence. I have written my discourse not without much trouble and anxiety of spirit; and conscious after the late splendid exhibitions at Boston and elsewhere, I shall have but little chance of satisfying an audience already wrought up to the highest point by these admirable funeral discourses, especially by Mr. Webster's. My own discourse is principally of a merely literary cast, and perhaps somewhat heretical and somewhat admonitory. What will be its effect I cannot pretend to foresee; and I wish with all my heart the thing was fairly off my hands. In the conclusion I have taken a brief though not a cold notice of our friend Haven. I dare not say that you will be repaid by visiting us on such an occasion, and yet I will not disguise how greatly your presence would cheer me and comfort me. Mrs. Story has just recovered from an attack of the scarlet fever and throat distemper; she is able to go out but is somewhat debilitated. She intends visiting Cambridge at Commencement, and my own engagements will necessarily carry me thither on Tuesday afternoon.

In great haste, I remain, with the truest respect, yours affectionately, JOSEPH STORY.

P. S. — If you should come, the P. B. K. Society will expect the favor of your company to dinner. We somewhat expect the President and government. (306)

JEREMIAH MASON TO JOSEPH STORY.

PORTSMOUTH, *August* 27, 1826.

MY DEAR SIR, — I was about to write to you when I received your letter of yesterday. I had determined to attend Commencement at Cambridge, for the sake of hearing your oration, and I feel disappointed and mortified that I cannot. I have just returned from a three weeks' attendance on our courts, and am a good deal indisposed. My complaint is of a nature that threatens me with the visitation of a confirmed dysentery, which at this season and with this weather must be guarded against. I fear a journey, with the excitement attending the occasion, might prove seriously injurious. I feel the more mortified by this disappointment, as you are so kind, as to say my presence would be gratifying to you. I assure you, my dear sir, no ordinary obstacle should deprive me of the pleasure I anticipated from hearing your discourse. Your anxiety to find yourself well through your undertaking, is natural, and to a man of easy excitability, unavoidable. I have, however, no fear of the result. I feel quite sure that you will fully satisfy the expectations and wishes of your friends.

Of Mr. Webster's oration, I think highly. It will in my opinion, not only sustain his former reputation, but increase it. Some parts are truly eloquent, and he has managed the whole with admirable address.

We had not heard of Mrs. Story's sickness, and are glad with the first notice of it to know she is so nearly recovered. Please to present my and Mrs. Mason's best regards to her.

I am, my dear Sir, as ever, most faithfully yours,

J. MASON.

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JEREMIAH MASON TO DANIEL WEBSTER.

PORTSMOUTH, *September* 3, 1826.

MY DEAR SIR, — I am truly sorry that I was unable to comply with your advice to be at Cambridge to hear Judge Story's oration. For a fortnight past, I have been much indisposed, occasioned by our most extraordinary weather, and was fearful it would end in downright sickness. That I trust is warded off. I infer from the newspaper reports that the Judge acquitted himself very ably, and to the entire satisfaction of his auditors.

Of your oration, there seems to be but one opinion. Without saying anything of its merits, in point of eloquence, I really think you have managed the subject with most admirable address, of which no small share was necessary, considering your own situation. I do not see that you have exposed yourself to serious abuse from any quarter.

I fear the tendency of political affairs in this State is not such as we wish. Your brother, whom I lately saw at Concord court, prophesies nothing but evil. He has been on a tour through the north part of the State, and says a majority of the old democratic party, if called to act at this time, would be found to be hostile to the present administration. I doubt the correctness of his opinion, but seriously fear that things tend that way.

The attempt to exclude Harvey from a nomination in the Legislative caucus, failed entirely. Governor Bell, as far as I know, has neither said nor done anything since his short visit to the Legislature in June. I do not think he has ever avowed any inclination for a concert or union of any kind with Federalists. The project for an administration paper, to be edited by Moore, will probably fail. It is doubtful whether it would do any good under the influence that would control it. Should it go on, its avowed object would be to maintain the old party distinctions. Indeed, I know of no prominent republican friends of the present administration in the State who seem willing to do away with the old party distinctions. (308) They all want to keep up that distinction solely for the sake of securing the little paltry offices to themselves. It will be impossible to induce the Federalists to act with them on those terms. The democracy of Boston seems to be better disposed. Is it possible to devise any plan by which it can be brought to act with effect on this dark and benighted corner of the earth? If you can, do something for us.

Faithfully yours, J. MASON.

JEREMIAH MASON TO DANIEL WEBSTER.

PORTSMOUTH, *January* 9, 1828.

MY DEAR SIR, — On coming home to-day from Salem I received your letter of 26th December, which had been lying by several days. I had been desirous of writing to you from the time I first heard of your and Mrs. Webster's sickness at New York. But I was very soon told it was your intention to go to Washington and to return to New York, which made it uncertain where a letter would reach you at any particular time. We have been greatly distressed by the various accounts of your and Mrs. Webster's situation, which have not been so alarming as that in your letter. I was at Boston last Sunday, and saw Mr. Paige immediately on his return from New York. His account of Mrs. Webster's health was greatly more favorable, as you know. He had not then seen Dr. Warren, but said that the New York surgeons thought much better of the case than they had, believing (as I understand him) that present appearances were greatly more favorable. As to your health, he said he had never before seen you so much reduced and so feeble, but that he supposed the cause of your sickness to be in a good degree, at least, removed, and that there was good ground to hope that rest and quiet would speedily restore you. I am aware that your sufferings have been excessive, and, with all the alleviation of present favorable appearances, if they continue as when Mr. Paige left you, that your situation must still be full of distress. In case Mrs. Webster still (309) continues in a condition actually critical, in the opinion of those most competent to judge of it, I do not think that your duty to the public requires you to leave her to resume your seat in the senate. Indeed, it seems to me that under such circumstances it must be quite impossible for you to attend to your duties in the Senate, and I think you ought not to attempt it. Nor do I think you ought to return to Washington till your own health is in a good degree restored and confirmed. But I hope and trust, my dear sir, that when you receive this Mrs. Webster may be deemed to be out of danger. If however, she should unfortunately be otherwise, and you should be obliged to remain with her (as I think in that case you would), I much doubt whether that would justify you in immediately or soon vacating your seat in the Senate. This I understand to be the intimation in your letter. Whether her continuing long in such situation would not render your resignation expedient, can be determined hereafter. I most cordially wish under present circumstances that you were out of the Senate; but I do not see how you will justify resigning at this time. Your motives will be misunderstood by many of your political friends, and misunderstood and misrepresented by all your political enemies. Your resignation would unquestionably be imputed to your supposed despair of success of the administration party. I am sure it would be so represented by all the opposition papers in the United States, and I think it very probable that many not under their influence would believe it. Considering your standing, such a belief might at the present time do the administration and the country vast injury. I think the injury arising from absence from the Senate would be immeasurably less than from your resignation. Having accepted the place so recently, nothing but imperious necessity will be or ought to be considered a justification for resigning it under the present circumstances of the country. At all events, I hope you will not come to a determination to do this hastily. If you find it probable that you must be absent from the Senate, the whole or a chief part of the present session, I think you ought to state your willingness to (310) resign to some of your political friends at Washington, and be in some measure guided by their opinion of its expediency. There can be no danger of thereby exposing yourself to the suspicion of wishing to obtain their advice. You are too well known at Washington to fear anything of that sort.

After giving you my opinion thus frankly on this point, I think I am bound to say with equal frankness that not only Mrs. Webster's situation, if it continues to be dangerous and critical, but, in my opinion, a due regard for your own health, if it be so low and slender as I fear it is, makes it your duty to remain quietly where you are for the present. I know the call for you in the Supreme Court will be urgent, but I really fear that any extraordinary exertions with your present feeble health and anxiety may destroy you. If you do return to Washington, I most sincerely advise you to abstain as much as possible from occasions of high excitement and exertions. Such a course, under present circumstances, cannot injure your reputation. Since I saw you in Boston, I have been twice to Salem to attend the trials of the *Argonaut*. We have had two tedious jury trials, and have obtained two successive verdicts, much against the wishes of Judge P. He seemed to think it his duty to obstruct the plaintiff's course as much as he could, but I believe we have got our verdicts on such grounds as must end the litigation, though not on the ground we ought to have had them. I left Salem immediately after the last verdict was given. I have no doubt the Judge has in some way reserved the cases for the whole court.

I have been so engaged that I have not had time to read Mr. Clay's letter; but I have been told by several who have read it that it is entirely conclusive, and that it cannot fail to produce extensive effects.

The prospect is now favorable for our spring elections. There will be greater exertions and excitement than we have experienced for many years.

I shall be very desirous of hearing occasionally how you and (311) Mrs. Webster are. Mrs. Mason joins me in affectionate regards to her and yourself.

I am, my dear Sir, most sincerely yours,

J. MASON.

JEREMIAH MASON TO DANIEL WEBSTER.

PORTSMOUTH, *January* 27, 1828.

MY DEAR FRIEND, — Your two letters from New York prepared us to expect what has happened. We most sincerely sympathize with you in this event, in all its bearings and aspects, so melancholy and so distressing. I know of no occasion on which I have seen Mrs. Mason more deeply affected. Without perhaps fully appreciating their extent, I know your sufferings have been, and still are, excessive. You have all the consolation that the sympathy of friends and universal condolence can give. But my knowledge of you my dear sir, forbids the hope of much relief or benefit from this source. Your consolation must come from a higher source. Your relief in this great calamity rests with yourself and your God, and there I confidently trust you will find it. This is one of those events which strikingly illustrates the vanity of human expectations and the imbecility of all human power.

Mr. Ticknor in a letter of yesterday, says he understands your intention to be to return to Washington in eight or ten days. This, it seems to me, ought to depend entirely on your own feelings and the condition of your health. I learn from Mr. T. that your business at the Supreme Court will not be permitted to be on you at this term. This I had anticipated. We know nothing of the arrangements you have made or think of making for your children this winter. We understand they are now with you at Mr. Blake's. Mrs. Mason desires me to say to you that in case you can form no plan for taking care of them more satisfactorily, she will most willingly take charge of the two youngest till your return from Washington next spring. She is aware of the nature of the trust she offers to assume (312) and will of course execute it with all possible care. If this arrangement appears to you preferable to any other you can make, I request you will assent to it without fear or any apprehended trouble to us. For be assured, my dear Sir, Mrs. Mason will undertake it most cheerfully. When I first heard of your being at Boston, I thought of going there to see you, but I fear I shall not be able. A violent snow-storm is now raging, and it now is impossible to foresee how it will leave the travelling. I am likewise at this time much pressed with engagements for the winter session of our Supreme Court which commences at Dover the first of next week.

Mrs. Mason desires her most affectionate regards to you.

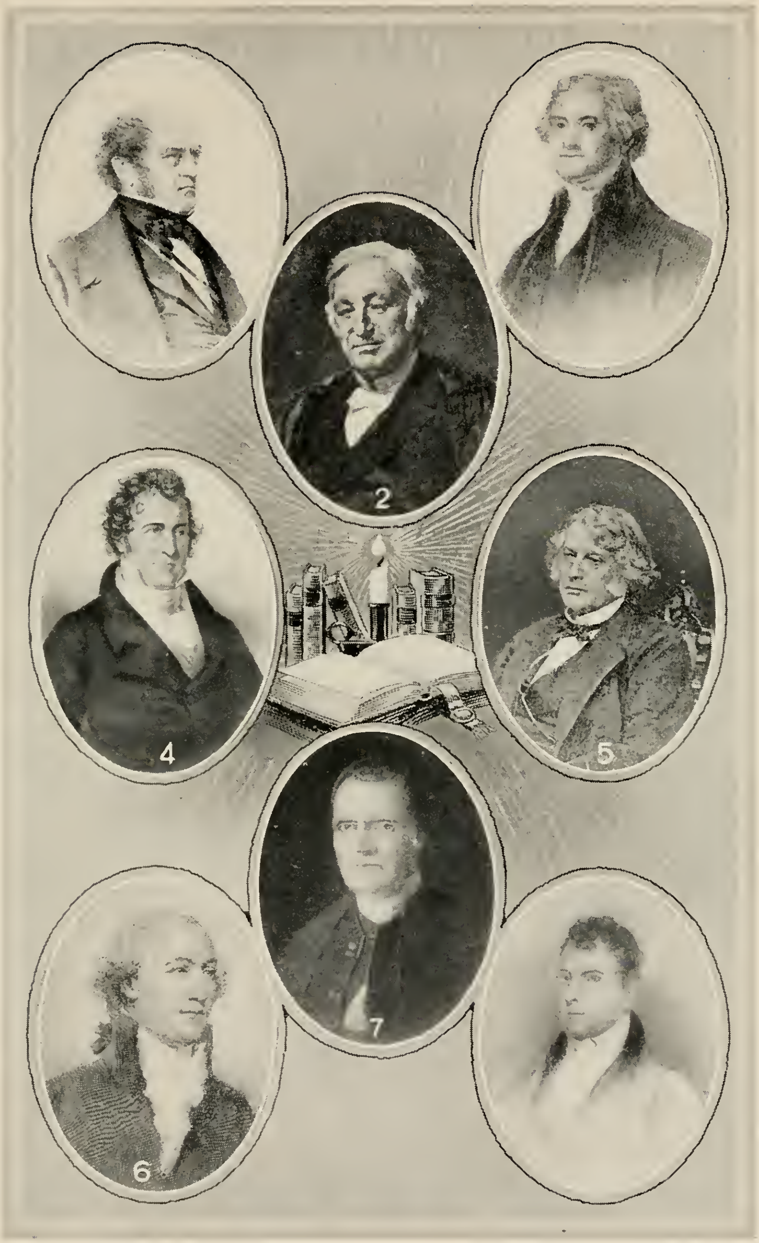
I am, my dear Sir, most faithfully yours,

J. Mason.

JEREMIAH MASON TO JOSEPH STORY.

PORTSMOUTH, *February* 16, 1828.

MY DEAR SIR, — I have read your memoir of Chief Justice Marshall, in the "North American Review," with great pleasure. It is always a difficult task to recount the merits of an eminent man while living, and do him only tolerable justice, without incurring the danger of the accusation of adulation. Your undertaking was rendered more delicate by reason of your connection with and known high regard for the Chief Justice. I think you have succeeded, as far as you have gone, admirably well. You have certainly done right in giving a concise sketch of his life, and leaving his actions to speak his praise, without any attempt at lauding, which, under existing circumstances, would in you have been unbecoming. In one particular, I wish the memoir had been more dilated and full. I mean his great opinions on the construction of the Constitution of the United States. I am aware of the difficulty you would be under in entering at large into the merits of this labor, in which you have yourself so largely participated. These opinions constitute the stronghold for the Chief Justice's fame, and must sustain it (313) while the Constitution of the country remains. The decisions on the construction of the Constitution, on the various points which have arisen in the Supreme Court, have done vastly more for the stability and permanency of our system of government, than the present generation is aware of. The principles involved in those decisions are constantly developing themselves with increased importance. If our constitutions ever get to definite and well-settled constructions, it must be chiefly effected by judicial tribunals. All experience, past and present, shows that much is not to be expected from legislative bodies. Hence the vast importance that the early decisions of the Supreme Court should be rested on principles that can never be shaken. Since I parted with you at Salem, I have been almost constantly engaged in courts. I have been again at Salem on the *Argonaut*, and obtained another verdict. The last verdict was substantially on the same grounds with the preceding one. I expected the defendants would have submitted, and believe that was their intention at the close of the trial. But from their not having disposed of the ship, I incline to think they intend to try their chance with the whole



1. LEVI WOODBURY.
3. THOMAS JEFFERSON.
2. GEORGE PEABODY.
4. WILLIAM WIRT.
5. CHARLES SUMNER.
6. RUFUS KING.
8. WILLIAM PINKNEY.
7. ROGER SHERMAN.

court on some question of law. I suppose Mr. Webster will be with you before this reaches you. I would have gone to Boston to see him, but I could not. I infer from his letters, and what I learn otherwise, that he has been most deeply affected, but that he bears his suffering with fortitude. This I expected from him. His loss is in truth most grievous. His wife was embraced in all his plans, as an essential part. I know of no woman more universally beloved or who more deserved to be beloved. I trust that Mr. Webster will not undertake any severe labor this winter. He can certainly avoid it without any danger to reputation, if he pleases. With my and Mrs. Mason's and Mary's kind regards to Mrs. Story.

I am, my dear Sir, as ever, truly yours,

J. MASON.

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JOSEPH STORY TO JEREMIAH MASON.

WASHINGTON, *February* 27, 1828.

MY DEAR SIR, — I thank you for your obliging letter, and not the less so, for your notice of the review of Chief Justice Marshall's life in a favorable manner. If it has gone tolerably well with the public, I shall sit down quite contented, for at the period of its publication, I began to feel a good deal of sensitiveness on this point. I have reserved a full display of his constitutional labors, for some future period. Mr. Webster is now here, and I think his health is greatly improved, and I no longer feel any anxiety on that head. But our meeting was quite painful; and at times he is now excessively gloomy and thoughtful. I find great difficulty in rousing him to professional or public labor, and yet when so roused, he brings himself out with all his accustomed energy, and is for the time comparatively happy. The very excitement, however, tends again to exhaustion and despondency; and his mental distress, and his struggles, sometimes to disguise and sometimes to overcome it, are not a little embarrassing. I think that time and distance, which are great things in all human affairs (as Mr. Burke used to say), will ultimately bring him up to his usual tone. By the by, on the very first day he took his seat in the Senate on his return, the Process Bill, which has been so long before that body, was on its last reading; and having glanced at its form and terms he saw very great objections to it, and rose, asked one or two explanations, speaking in a very subdued and cautious tone. Some reply was made, and he then merely apologized by intimating some doubts. He spoke perhaps for five or ten minutes. Immediately on this, Mr. Tazewell came out upon him in a set speech of two hours, and pressed him in a manner which, considering his painful situation, was thought uncalled for and inexcusable. It looked like an attempt to grapple with and overcome the sick lion. It happened just at the hour of adjournment and Webster moved it, excited by the attack to a reply. He talked over the matter with me in the evening, and it did him good. (315) The next day he went into the debate, and in a speech of about two and a half hours, he displayed a most masterly and overwhelming argument, and in the judgment of everybody broke down the bill. In short it was recommitted, and as such in its present form is dead. Although the subject was somewhat technical, he quite interested the public, and his triumph was as splendid as his friends could wish. He is now engaged in the business of the court, and complains (and truly) that he finds it almost impossible to fix his mind strongly enough upon it, to work well. We do all we can to stimulate and cheer him, and it produces a good effect, and before the close of the term, I have no question he will feel the stirring ambition of excelling about him. Depend upon it, he must be kept employed or he will be miserable. I am inclined to believe that there has been some truth in the rumor that he was about to be sent to England. He spoke to me the other day on the subject with a view to draw out my opinion. I do not know whether you will agree with me, but I frankly stated my opinion to be at the present juncture against it. I alluded to the fact that he stood at the head of the administration party, and particularly in the Senate he was indispensable to its successful progress; that with a view to ulterior objects, he was now precisely where the public would have an opportunity of appreciating him, and he of bringing home his character to their closest observation, that the times were critical, and services now rendered would not be forgotten. That a withdrawal from these scenes would be thought a timid choice to escape from responsibility by some, and by others as little more than an honorable exile. That if possible the administration might linger on with a charge for a year, when the crisis would be over. That, however desirable to himself under his present situation, as a change of scene, it would throw him out of professional employment for the time, and compel him, after great expenses, to return back with some disadvantages. From this short sketch you will perceive the channel in which my thoughts run. He was much inclined to think my notions right. What will be the final result I know not, but I think (316) he will stay at home. In respects to politics I should have much to say, if I were at your fireside. The appearances grow every day more favorable to Mr. Adams' re-election. The opposition in Congress are a good deal alarmed and fluttering. It is whispered that Mr. Macon of North Carolina begins to talk very moderately, and Mr. Benton begins to be a little doubted by his own friends. The chances in Pennsylvania are, in the estimate of all, very favorable; and indeed her vote is now almost certainly calculated on. Virginia is in great commotion. I do not believe her vote will be changed, but the days of her dynasty will be soon numbered, and you may expect that a great revolution will take place before long in her public policy and public servants. Kentucky is now understood to be safe. New Jersey also, and Maryland with a decided major vote. Unless, therefore, some positively unlucky changes take place, there is much reason to rely with confidence on the re-election of Mr. Adams. So much, my dear sir, for the gossip of politics. Of other gossip I know little. The court will probably adjourn about the 15th of March. We have done a good deal of business and shall not probably leave sixty causes behind us. This is a great victory over the old docket, and encourages me to hope much from the future course of the court. I heard with very great satisfaction from other sources, of your second triumph in the *Argonaut*, with the additional fact that you had added very much to your former argument, convincing all but *one*. Mrs. Story desires her love to Mrs. Mason and Mary and Jane, in which I wish to be permitted to join, being with the highest respect her and your

Much obliged friend, JOSEPH STORY.

JEREMIAH MASON TO JOSEPH STORY.

PORTSMOUTH, *March* 12, 1827.

MY DEAR SIR, — Mr. C. S. Daveis of Portland is desirous of obtaining the appointment of reporter of the decisions of the Supreme

Court of the United States, now vacant by the resignation of Mr. (317) Wheaton. Mr. Daveis is certainly a good lawyer, and distinguished for laborious and persevering industry. His studies and taste are quite congenial with the place he is desirous of, and I have no doubt, if appointed, he would perform its duties with much diligence and entire faithfulness. As Mr. Daveis is personally known to you, you can best judge of his fitness, and it would be useless if not improper for me to urge his claims on your consideration. All I mean is, to request, in case the situation be not already filled, that his claims may be fairly considered among those of other candidates. Not having heard that the Supreme Court has risen, I shall direct this letter to you at Washington, with much doubt whether you will not have left before this reaches that place.

I am as ever, truly yours, J. MASON.

DANIEL WEBSTER TO JEREMIAH MASON.

WASHINGTON, *March* 20, 1828.

MY DEAR SIR, — The practice of asking the advice of friends in one's own affairs is a little old-fashioned. I do not think very highly of the custom myself. Still, I now write mainly with the purpose of taxing your good-nature with the request that you will say, in a straightforward way and few words, what you think upon the subject with which the newspapers have been busy for some time past. I do not mean to trouble you for a long statement of *pros* and *cons*. Nor do I mean to anticipate your impressions by a single suggestion of my own. You see what all the world sees, and know what all the world knows, of the state of things here, and of my present conditions. Will it be the best for the administration, and best for me, that I stay where I am, or that I go elsewhere? I care not how shortly you speak, but I pray you to speak freely. We are in very good spirits, with the news from New Hampshire. I believe certain gentlemen here are a good deal disappointed. It was confidently expected by them, that (318) General Pierce would succeed. We trust he has failed, and it seems our friend Hill is out also. Affairs here are wearing rather a better appearance. The intelligence from interesting points is a little cheering. Perhaps the most important contests, or rather one of the earliest of the important contests, will be in Kentucky. The election of governor takes place in that State on the first Monday in August. The whole will turn, mainly, on the administration question. Metcalf is candidate for the administration side, and Barry, whom you know, for the opposition. The result of this election is likely to decide the ultimate vote (the whole vote) of Kentucky, and must necessarily have a great operation elsewhere. If Barry should succeed, by a strong vote, I should give up Kentucky, and, with Kentucky, nearly all hope of Mr. Adams' re-election. New York is unquestionably mending. If it goes on, as it is now going, a great majority of votes in that State will be for Mr. Adams. The Louisiana members are to be elected again, in July. It is believed Mr. Livingston will be left out, and a friend of the administration elected in New Orleans. Judge Story left us two days ago. The court has had an interesting session, and decided many causes. The judge of our circuit has drawn up an uncommon number of its opinions, and, I think, some of them with uncommon ability.

Yours always truly, D. WEBSTER.

JEREMIAH MASON TO DANIEL WEBSTER.

PORTSMOUTH, *March* 27, 1828.

MY DEAR SIR, — I have omitted to answer your letter a few days because I did not well know how to answer it. You ask whether I think it best for the administration, and best for you that you remain where you are, or go elsewhere, that is, accept the appointment to England offered you. On the first question, I have no doubt; for obvious reasons. I think it is certainly best for the administration that you remain where you are. In your present situation (319) you can render the most essential aid and support, the loss of which at this time would be severely felt. The administration at the present time need all their strength, and that exerted to the greatest possible advantage. Your services in the Senate may be greatly important at the next session, and if Mr. Adams succeeds in his election, as I trust he will, your services will probably be vastly more important at the next Congress. But what I deem of still greater importance is your influence in the approaching election, which by leaving the country will be lost or greatly lessened. Without entering at large into the reasons, I am decidedly of opinion that your remaining where you are is most advantageous for the administration.

On the other question I have had doubts, but after giving it the best consideration in my power, I have come to the conclusion that what is best for the administration is also best for you. The success of the present administration deeply involves the best hopes and highest interests of the country. You are a public man, and, as I believe, are destined to continue a public man, and as such you are in a great degree identified with the administration. Under such circumstances, it seems to me that you cannot well sever your personal interests from the interests of the administration and of the country. If I am right on the first question, of which I entertain no doubt, your services in England at this time will be of minor importance when compared with your services at home. If so, there seems to be something of the nature of public duty in the case. And I trust it is and will continue to be the true interest of an elevated public man to follow the path of his duty. The administration, believing you to be entitled to it, may be willing to give you the contemplated appointment, if you wish for it, but I presume they cannot be desirous that you should accept it. I do not think that the ribaldry of the opposition newspapers ought to be permitted to have any influence whatever on your determination.

I have in compliance with your request given you my frank opinion without any detail of reasons. And I think I ought with equal frankness to tell you that I do not feel much confidence in (320) the correctness of my opinion. I am too far removed from the great world, and too little conversant with political affairs, to be competent to form a judgment of any value on this matter. I am aware there may be considerations of a private nature, arising from your own feelings at the present time, which may be entitled to much weight. Of these you alone can judge.

I am as ever faithfully yours,

J. MASON.

DANIEL WEBSTER TO JEREMIAH MASON.

August 1, 1828.

MY DEAR SIR, — I have seen Mr. Cowperthwaite this morning, and had a full conversation with him, respecting the state of the bank at Portsmouth. At his request I have agreed to write to you, and I come at once to the main matter. He thinks it important that you should take the Presidency of the Branch, if you can be persuaded to do so. He says you manifested no disposition for it; but I did not learn from him that he had suggested a probable increase of the salary, as among the motives. It now stands, I hear, at eight hundred dollars. He desires me to say, confidentially, that if twice that amount would induce you to take the office, it would be given cheerfully. In all probability, the amount of pay would not be a subject of difference between you and the bank, if you were inclined to have the office. He is to leave Boston on Monday morning, and I am anxious to hear from you before his departure. I suppose you have weighed the *pros* and *cons*, and probably have a feeling one way or the other on the subject. I do not wish to influence your judgment, but should think it a great object with the bank to obtain your services, and am persuaded they would pay as liberally as you should think they ought. If you have made up your mind fully against it, Mr. Waldron will be appointed. In that case the bank will immediately crave leave to send you a large retainer, at least a proper one, and engage your professional services, (321) with a desire that you should pay particular attention to its affairs and be paid accordingly. After the receipt of this letter, I will thank you not to enter into any engagement adverse to the bank, until there shall be time to hear from Philadelphia. Contrive to let me have an answer on Sunday. I write this at Beverly, having come down here to visit Mr. Thorndyke's family. I shall return to B. this evening.

Yours truly,

D. WEBSTER.

In the spring of 1828 the first great sorrow of Mr. Mason's life fell upon him in the death of his second son, Alfred, which occurred at the Bellevue Hospital in New York, April 12, 1828. He was a young man of remarkable abilities, engaging manners, and strong scientific tastes. He was a student of medicine, and pursued his professional studies with such interest and energy as to awaken the highest hopes of future usefulness and distinction. Applying for the post of assistant surgeon at the Bellevue Hospital, he was successful in his application over a large number of competitors. Devoting himself to his duties with unremitting zeal during the prevalence of an epidemic, with an heroic disregard of danger to himself, worn down by care, anxiety, and toil, he was attacked by a disease which his exhausted frame was unable to resist. His death was mourned by many who had watched with interest his brilliant professional progress, and his winning and amiable traits of character, and with what crushing weight it fell upon the hearts of his father and mother can be felt only by those who have learned by their own experience how sweet are the joys, and how sharp the sorrows of a parent.[1]

In the summer of 1828 Mr. Mason was chosen president of the Branch Bank of the United States at Portsmouth.

For many years this institution had not been judiciously or profitably managed. A large portion of its funds had been employed in discounting accommodation paper, in other words, in lending money (322) without security. The notes so discounted usually ran for four months, and when they matured, a payment of only ten per cent. was required, and for the remainder a new note was given. Thus, under the most favorable circumstances it required three years and four months to discharge a debt, and as there was no security, the final payment depended upon the continued solvency of either maker or indorser of the discounted paper.

But even these partial payments of ten per cent. were dispensed with, and sometimes the money to make them was procured by new accommodation loans. So long had this usage continued that it had acquired something of the force of a legal precedent, and the customers of the bank had come to consider that they had a sort of vested right to renew their notes on payment of ten per cent. To such an extent had the practice prevailed that when Mr. Mason entered upon the discharge of his duties as president nearly a hundred and fifty thousand dollars of the capital of the bank were invested in accommodation paper, with the understanding that only ten per cent. should be paid every four months. Of this amount between eightly and ninety thousand dollars were due from persons in the interior of the State, and in Maine, most of whom were not engaged in business. And this bad method had been pursued in spite of strong injunctions to the contrary in a letter written by the president of the parent bank to Mr. Mason's predecessor in November, 1826.

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[1] A further account of this amiable and promising young man will be found in the Appendix.

The directors of the parent bank at Philadelphia became uneasy at the state of things at Portsmouth, and felt that a radical change of management was necessary, and that such change could only be effected by putting the branch there in charge of a man who not only understood the true principles of banking, but had firmness enough to enforce and adhere to them.

The friends of the bank, Mr. Webster especially, strongly recommended Mr. Mason for the place of president. This was done, not only without any suggestion from him, but without his knowledge, and when the offer was first made to him he was inclined to refuse (323) it, alike from distrust of his ability to discharge duties to which he had not been trained, and from reluctance to be even partially withdrawn from the practice of his profession. But his disinclination yielded at last to the persuasion of his friends and the friends of the bank, and he was accordingly made president.

He had never been a banker, nor even a bank director, nor had he been engaged in business; but he had a mind eminently fitted to grasp the true principles of banking, finance, and the currency, as well as the firmness and perseverance needed in one who undertakes to reform abuses whether great or small. He perceived at once that the management of the bank had been opposed to the true principles of banking, which are, first, to discount business paper, or lend money on the security of actual property; and, second, as a general rule, to enforce payment of every loan at maturity. He therefore resolved to change the mischievous practice which had so long prevailed, but his sound sense and large experience of life taught him that all reform should be gradual, and that the debtors of the bank must have a reasonable time to adapt themselves to the new policy.

He therefore made no change in the old usage at the date of the first maturity of each accommodation note after his accession to office.

Ten per cent. was paid, and a new note was given for the remainder. But he required the new note to be given for sixty days, and when that matured he exacted a payment of twenty per cent. Thus the intervals of payment were shortened, and the amounts increased, each by one half.

Such was the general rule applied; but where satisfactory security was offered more favorable terms were granted, and no honest man was oppressed or harshly dealt with; and when a debtor was unable to pay in full, Mr. Mason was always ready to listen to fair terms of settlement.

In making new loans preference was uniformly given to business paper, and no loans were made in the interior of the State except to persons of undoubted pecuniary ability. (324)

The results of this course were entirely satisfactory. In August, 1829, the old loans to parties in the interior of the State had been reduced to thirty-five thousand dollars, and the whole amount of loans to parties living in small towns in the interior was only forty-nine thousand dollars, a little more than half the amount a year before.

The customers of the bank, and the business community generally acquiesced in this change of policy, and submitted without a murmur to the inconvenience which in some instances it occasioned. But, as might naturally be expected, there were some exceptions. Some bore with impatience the pressure laid upon them by the necessity of paying twenty per cent, every two months instead of ten per cent. every four months. And thus there grew up a certain amount of discontent and of consequent ill-will to Mr. Mason.

But all this might have passed away and made no sign had not politics come in to blow the spark into a flame. The administration of President Jackson began on the 4th of March, 1829, and the new chief magistrate entered upon his office with no friendly feeling toward the Bank of the United States. Mr. Mason, though taking no active part in politics, had given his name and influence in favor of Mr. Adams and against General Jackson. The second comptroller of the treasury was Mr. Isaac Hill, of New Hampshire, a zealous and influential politician, high in the confidence of the President, and certainly no friend to Mr. Mason. Under his lead, and that of Mr. Levi Woodbury, also a personal and political favorite of the President, the democratic party of New Hampshire were arrayed in opposition to the Portsmouth Branch, and Mr. Mason's management of it.

The first acts of hostility came in the form of two memorials to the directors of the parent bank in Philadelphia: one dated June 27, 1829, from sundry residents of Portsmouth and its vicinity, and one dated June 29, 1829, from several members of the New Hampshire House of Representatives, both praying for the removal of (325) Mr. Mason from the office of president. These memorials were alike in temper and spirit, and were evidently arrows out of the same quiver. They made vague charges of harshness and partiality, but contained no statements of particular acts.

Next came a letter from the Secretary of War to Mr. Mason in his official capacity, dated August 3, 1829, informing him that it had been found necessary to change the pension agency in New Hampshire from Portsmouth to Concord; that William Pickering of the latter place had been appointed pension agent, and directing Mr. Mason, upon the production of an order which would be sent by the department to Mr. Pickering, to deliver to him all the books and papers relating to the pension agency, and any balance of funds in his hands. Mr. Pickering forthwith appeared with the order in question, and demanded the books, papers, and funds accordingly. Mr. Mason, after a careful examination of the acts of Congress upon the subject, having come to the conclusion that the War Department had no right to take from the bank a duty devolved upon it by Congress, declined to comply with the order, and so reported to the president of the parent bank at Philadelphia. The directors, after an elaborate legal opinion by John Sergeant and Horace Binney, fully sustaining the conclusions of Mr. Mason, approved his course, and the matter was dropped without any further action on the part of the administration.

The memorials above mentioned were taken into consideration by the government of the bank at Philadelphia, and it was determined that the president and one of the assistant cashiers should visit Portsmouth, and carefully inquire into the complaints against Mr. Mason. In August, 1829, Mr. Biddle accordingly spent some days in Portsmouth. A circular letter was addressed to all the signers of the memorial, inviting them to lay their grievances before him. Several responded to the call, and their complaints were patiently heard. Mr. Biddle then addressed Mr. Mason a letter setting forth all the charges which had been made against him, to which Mr. Mason replied with full explanations on every point (326) urged. The letter and the reply were drawn up with legal precision, and resembled a libel and answer in admiralty.

The charges and answers being thus reduced to writing were carefully inquired into both by oral evidence and an examination of the books of the bank. The result was a complete vindication of Mr. Mason on every point of complaint, and a report to that effect was made to the directors at Philadelphia, who, on the 13th of November, adopted a resolution that the various charges and allegations against him were entirely groundless.

It should be borne in mind that all these attacks were made upon Mr. Mason exclusively, as if he had been the autocrat of the bank, and was solely responsible for its management. But such was not the case. He had the advice and support of a board of directors, some of whom had held the same office under his predecessor. No step of any importance was ever taken without consulting the directors, and it was unusual that any difference of opinion arose between them and the president; and when such difference did occur, he sometimes yielded his judgment to theirs.

Mr. Mason retained his office of president so long as he lived in Portsmouth, and no further demonstrations were made against him, and the prosperity of the branch bank under his charge, during a trying financial period, vindicated the wisdom of his policy.

DANIEL WEBSTER TO JEREMIAH MASON.

WASHINGTON, *January* 6, 1830.

DEAR SIR,—I thank you and Mrs. Mason for all your kind congratulations and good wishes.[1] I hope to have the pleasure of making Mrs. Webster acquainted with your family soon after our return to New England, and it is among my most ardent wishes, and one also of my firmest expectations, that the affectionate friendship, which has so long uninterruptedly subsisted between our families, may be cherished and strengthened by the new connection which I (327) have formed.. We are now just getting into our lodgings and becoming settled for the winter. Julia is with us. Her health is good and she appears very happy and well pleased. In the political world, little has yet transpired. Mr. Baldwin of Pittsburg, is to be the new judge *vice* Washington. This is another escape. We had given up all hope of anything but Chief Justice Gibson's nomination. Mr. Baldwin is supposed to be, substantively, a *sound* man, and he is undoubtedly a man of some talents. The nominations, some of them, have come in, and we shall have much debate. We shall be beaten, however, by four votes, if the Senate is full, twenty-two to twenty-six.....I shall be glad to hear from you so often as you can find time to write. I pray the most affectionate remembrance to your wife and daughters.

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[1] On Mr. Webster's second marriage.

Yours always truly,

D. WEBSTER.

JEREMIAH MASON TO DANIEL WEBSTER.

PORTSMOUTH, *February* 8, 1830.

MY DEAR SIR, — I intended some time ago to have written to you, but the courts in this and Strafford County kept me constantly engaged during the last month; before they were over I was attacked by a cold so severe, as to threaten serious illness.

I have seen your first speech on Mr. Foot's resolutions. Of the second I heard the echo only, which is loud and distinct. I presume it will be soon published, and I look for it with great interest. I am rejoiced that you have been able on this occasion to place yourself and New England on high ground. I take it for granted that you will be obliged to be again out, during the present session on the subject of executive appointments, on which it seems to me you cannot fail. That discussion is unavoidable, and ought certainly in some way to be made public. If this is to be your last session in the Senate (as you have intimated), it is greatly desirable, for obvious reasons, that you quit with eclat. (328)

The movements in this State preparatory to the spring elections seem in some small degree to have lessened the apathy and stupor which have prevailed ever since the late Presidential election. General Upham's nomination for governor is well received, and considerable exertion will be made to effect his election. He unites all the friends of the late administration, and present appearances justify the expectation that some of those who were attached to the present administration will give him their aid. Some were disgusted with his being so rudely turned out of office, and others, by the general course of the administration. I should feel more confident of the expected effect of these causes were there less abundant evidence of the deep political depravity of the present times. In this particular I am inclined to think our poor State suffers more grievously than most others of the Union. Considerations of personal interest have much more influence, with our people, than heretofore. By the manner in which the offices of emolument of government have lately been disposed of, great numbers of individuals are led to expect some advantage from being connected with the dominant party. Instances are not unfrequent of the public avowal of such motives, and so callous has the public mind become, that the avowal creates little or no disgust with the community. I am of opinion that a great portion of this excess of political depravity, in this State, may be traced to two individuals.....

I hope that you have before this time disposed of Duff Greene to your satisfaction.

I understand that many of your friends in Boston are coming to an opinion that you will remove to New York. Whatever may be your final determination, it seems to me unadvisable to let public opinion settle decisively that way, before you shall have determined the matter yourself.

Should you determine in favor of it, I shall personally regret your removal. It would necessarily render our personal intercourse less frequent. Death has destroyed so many of my friendships that I have but few remaining. I do not fear that your removal would (329) lessen the force of our long subsisting friendship, but it would undoubtedly lessen the pleasure I should otherwise derive from it.

I am as ever, faithfully yours,

J. MASON.

DANIEL WEBSTER TO JEREMIAH MASON.

WASHINGTON, *March* 2, 1830.

DEAR SIR,—I see in the "Boston Statesman" of February 26 or 27, a renewal of an old story, told a year ago or two ago, about a letter, said to be written by me to Mr. Atherton, relative to the Hartford Convention. If I remember, when the story was told before, your name had something to do with it. I have no recollection of any letter to Mr. Atherton on the subject, written by you and me, or by me singly. If you could inquire of Mr. Atherton, and learn whether any letter of any kind was written to him, by us, or either of us, *without communicating to him that you do it at my request,* I should be glad to know what he has to say about it. But I do not incline to inquire myself, nor that you should inquire in my name or behalf. We have no news here since I wrote you last. Appointments not acted on. We have seen an account of your Portsmouth Town Meeting, —the letters, etc. I believe Mr. Bell can find no originals here.

Yours truly,

D. WEBSTER.

JEREMIAH MASON TO DANIEL WEBSTER.

PORTSMOUTH, *May* 13, 1830.

DEAR SIR,—I send you inclosed a letter from Robert Means in answer to my request to him to inquire of Mr. Atherton respecting the newspaper story of your advising him to join the Hartford Convention. I suppose you have seen his voluntary disavowal in the Boston papers of your having made any such application. (330)

Vast numbers of your speech have been published, and they seem to be producing a strong impression. Were it not for the depraved condition of political morality, I should entertain hopes that the present discussion in the Senate would produce great and permanent alterations in public opinion. It must doubtless have considerable effect. I hope Governor Bell will answer Woodbury's miserable trash. Indeed, I do not see how he can in justice to himself avoid doing it.

Our election is lost, as you have probably seen by the newspapers, The falsehoods and forgeries against Upham were contradicted as speedily as they could be, but there was not time for the contradiction to have its full effect, except in the immediate vicinity of this place.

It is believed that if the election had come on a fortnight later Upham would have carried it. As it is, both Senate and House will have majorities of Jacksonians. It is not certain, however, that Woodbury or (in case of his being otherwise provided for) Hill will be elected to the Senate of the United States. It is quite possible that some other Jackson man may step in before them.....

Yours as ever,

J. M.

JOSEPH STORY TO JEREMIAH MASON.

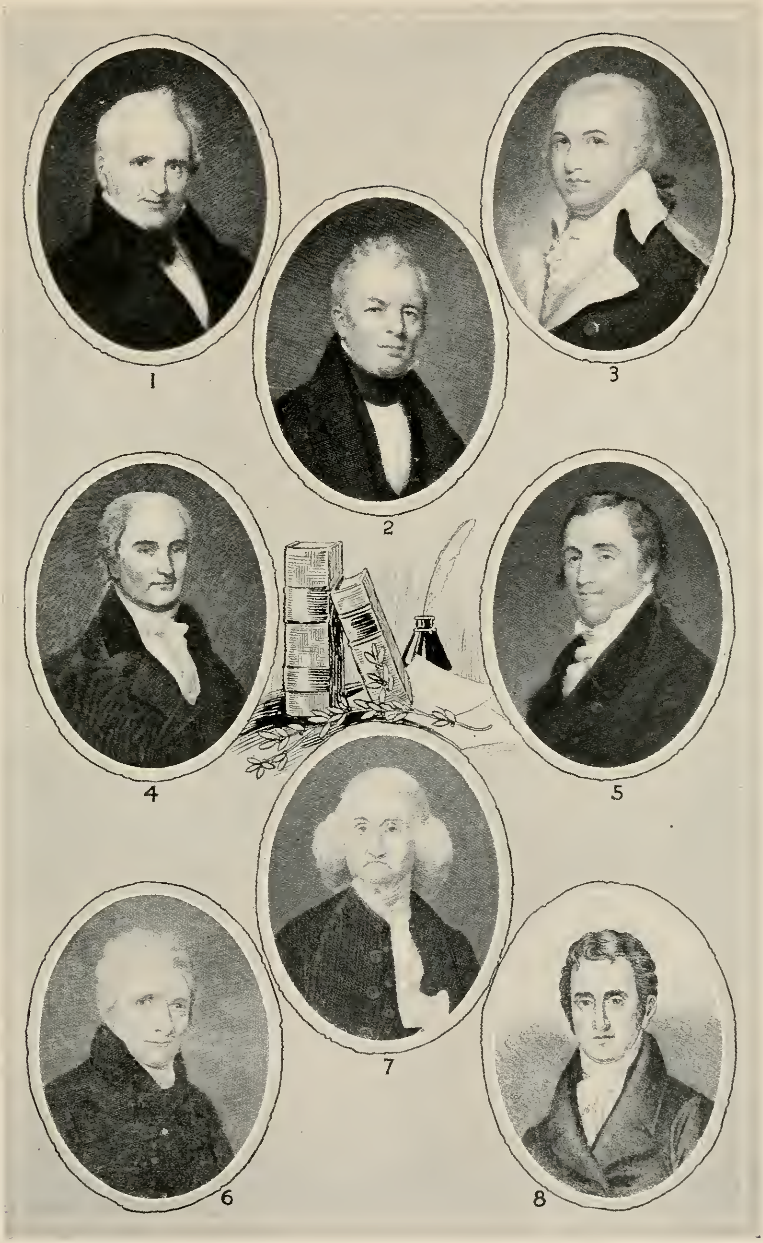
CAMBRIDGE, *May* 6, 1831.

DEAR SIR,—I returned home on Wednesday, having had an unusually short term at Portland. On my return I found my youngest daughter (Louisa), very ill of the throat distemper and scarlet fever. She has been very dangerously ill, and is not yet deemed by her physician out of danger, although he encourages us to hope she may recover. Her fate must be decided in a few days. Whether I shall be able to attend the circuit court at Portsmouth, is wholly uncertain. Under existing circumstances I cannot leave home, (331) and indeed, I am myself obliged from her critical state to be day and night in her room.

If a decidedly favorable change should take place before Sunday evening, I shall go from Boston in the mail-stage of that evening for Portsmouth. If there is not such a change, it will be quite impossible for me to give my attendance. I must beg the favor of you to communicate the facts to Judge Harvey, whom I have not the pleasure of knowing. He can do with the business of the court exactly as he may deem most convenient. I exceedingly regret this occurrence on many accounts; and am now so exhausted by continual watchings that I can scarcely hold my pen.

Believe me very truly and affectionately yours,

JOSEPH STORY.



1. JEREMIAH SMITH.
3. HENRY LEE.
2. JAMES KENT.
4. CHRISTOPHER GORE.
5. FISHER AMES.
6. BUSHROD WASHINGTON.
8. DANIEL D. TOMPKINS.
7. JONATHAN TRUMBULL.

JOSEPH STORY TO JEREMIAH MASON.

CAMBRIDGE, *May* 9, 1831.

MY DEAR SIR,—The event which my thought foreboded, has occurred. My dear little daughter died this morning. We are in utter despair; and I am incapable of leaving home, from mental exhaustion, even if it were otherwise possible. I have no doubt that the acts of 1789 and 1794, to which you have referred, cover the case. The words come completely up to the case. The marshal should therefore adjourn the court from day to day for the four days, and then to the next term. I can say no more. I am desolate beyond expression. You and Mrs. Mason have met with a like calamity, and can pity and sympathize with us. God bless and preserve you and yours.

I am most affectionately your friend,

JOSEPH STORY.

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JEREMIAH MASON TO JOSEPH STORY.

PORTSMOUTH, *May* 23, 1831.

MY DEAR SIR,—When I lately intruded on you with a letter of business, I had no apprehension of the melancholy event which had involved you in such heartrending distress. I am fully aware how idle would be the attempt to mitigate your and Mrs. Story's sufferings, from your late bereavement, by any consolation that I can impart. I still feel a strong inclination to let you know that we most sincerely sympathize and condole with you. Parental affection is the most uniform as well as the strongest of any that our nature is capable of. I have never known any grief to equal that of parents from the loss of children. The death of an interesting child in the early bloom of life, blasts all flattering hopes, and implants a wound that seems remediless. Philosophy and religion, with the aid of time, may assuage the suffering. The chief consolation must come from hopes which religion furnishes. In truth without these hopes life, checkered and clouded as it is by the constant occurrence of such distressing events, would not be worth possessing. And this, I think, constitutes one of the most solid foundations of those hopes. It seems inconsistent with the wisdom and benevolence of God, that beings so intelligent as our race, should have been created, for the sole end of what we do and suffer in this world.

Mrs. Mason with her love to Mrs. Story, desires me to express her deep sympathy in your affliction.

I am, dear Sir, your sincere friend,

J. MASON.

JOSEPH STORY TO JEREMIAH MASON.

CAMBRIDGE, *May* 25, 1831.

MY DEAR SIR,—I thank you most sincerely for your kind and consoling letter. Mrs. Story and myself have been indeed exceedingly (333) wretched. The calamity which has befallen us, was so sudden and awful, that it sunk us into utter despair. Our dear little daughter was in our eyes, one of the most lovely and perfect of human beings, and we really idolized her. Her death has made everything about us desolate. I am myself now quite calm, having mastered the struggles of my first feelings. At first I was unable to offer any resistance, and buried my thoughts in solitude and silence. The duties of my office have recalled me to the business of life, and this has for a part of every day relieved me from the burden of my own personal griefs. Indeed, there can be but two sources of relief in cases of parental bereavement. The one is employment, which diverts our thoughts; the other is religion, which soothes them into confidence and hope. I have a firm confidence in the goodness of God, and in his parental mercy and wisdom, though it is utterly mysterious to me. I ought not to doubt that it is all for the best, and I confess, that but for the hopes of a glorious immortality, and reunion with departed friends, I should sink into total despair. This furnishes the only means by which I am able to reconcile the melancholy events of this life with any notions of a just and beneficent Providence. Mrs. Story remains quite feeble and desponding. She is however calm and tranquil, but extremely gloomy. I have felt a good deal of anxiety on her account, but I trust that time will bring the usual alleviations, and by removing the images of the past, enable us both to partake of the common blessings of society. As for happiness, I confess that I have little expectation that we shall, or can ever feel it again as we have been accustomed to do. There will be a darkness in our minds that must forever shade every earthly prospect.

Mrs. Story sends her love to Mrs. Mason, and I beg to be most kindly remembered to her and the family.

Believe me most truly and affectionately your friend,

JOSEPH STORY.

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JOSEPH STORY TO JEREMIAH MASON.

CAMBRIDGE, *November* 19, 1831.

MY DEAR SIR,—I am very much obliged to you for the copy of the New Hampshire Resolutions, which you have sent me, and for the minutes of your argument in defense of them. The former I shall place at large in a note to my lectures on Constitutional Law; the latter I shall incorporate as far as I may into my text. Documents of this sort are becoming more and more valuable every day. I am just returned from Rhode Island, where I had very little business of an important nature. Just at the moment of my departure from home, I received a letter from the Chief Justice, stating that his health was so much better that he expected to return home the next (now past) week. If I had not received this letter, as the weather was favorable and my health much restored, I believe that I should have ventured on to Philadelphia. I am now engaged on the Charles River Bridge Case. After it is finished, I should be glad to have you read it over, if I thought it might not give you too much trouble. It is so important a constitutional question, that I am anxious that some other mind should see, what the writer rarely can in his zeal, whether there is any weak point which can be fortified or ought to be abandoned. The general structure of the argument I hope is sound. But all the details may not be.

I send you a copy of my Mount Auburn address, of which I beg your acceptance; and also a printed copy of the lines which I promised Mrs. Mason. With my kind regards to all the family,

I am very truly your affectionate friend,

JOSEPH STORY.

JEREMIAH MASON TO JOSEPH STORY.

PORTSMOUTH, *November* 24, 1831.

MY DEAR SIR,—I have received your letter with your Mount Auburn address and the elegy, which we had before seen and read (335) with much interest. I am much pleased with the address. You have certainly executed a task of considerable difficulty with much success. I will most willingly examine your opinion on the case you mention, and give you the result of my reflections on it. I am exceedingly rejoiced that the Chief Justice[a] is doing so well. I trust and hope in divine mercy that his life and strength may be continued till the danger to the judiciary from the present dynasty shall have passed away. I cannot refrain from communicating to you in confidence a matter of great importance to myself, in which your kindness has led you to express an interest. I have come to a determination to remove to Boston, next spring. In preparation for it, when at Boston a few days ago, I purchased a house near that of my friend Mr. Lawrence. Whether this resolution will be for the better or worse, time only can resolve. For special reasons I wish nothing said of it at present. Mrs. Mason and my family desire their kindest regards to yourself and Mrs. Story.

With great esteem I am, as ever, faithfully yours,

J. MASON.

JOSEPH STORY TO JEREMIAH MASON.

CAMBRIDGE, *December* 23, 1831.

MY DEAR SIR,—Owing to my recent illness, from which I am now, as I trust entirely recovered, the preparation of my opinion in the Charles River Bridge Case was suspended. I have just completed it; and it is to be copied, and I hope to send it to you by the middle of the next week. If you should have examined it sufficiently to give your opinion, I should be glad to receive it before I go to Washington, which will be by Sunday the 2d of January. If not I will thank you to send it to me by mail at Washington. I wish to make some remarks to explain its great length, and the repetition of the same suggestions in different parts of the same opinion. I have written my opinion in the hope of meeting the doubts of some of the brethren, which are various and apply to different (336) aspects of the case. To accomplish my object, I felt compelled to deal with each argument separately, and answer it in every form, since the objections of one mind were different from those of another. One of the most formidable objections is the rule that royal grants, etc., are to be strictly construed. Another is against implications in legislative grants; another is against monopolies. Another is that franchises of this sort are bounded by local limits; another that the construction contended for will bar all public improvements. I have been compelled, therefore, to re-state

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[a] "If we read Marshall's opinions in the four great cases interpreting the Constitution, Marbury v. Virginia, McCulloch v. Maryland, Gibbons v. Ogden, and Cohen v. Virginia, we will see that the great issue involved was interpreted according to its evident meaning, — the important part of the same decided; while we may have some doubt in regard to the minor matters treated, we will not have to the correctness of his conclusions on questions of first importance. Thus in Marbury v. Madison, we may doubt whether the appointment to a Federal office is complete until the appointee's commission is delivered to him, but not

of the duty of the judiciary to disregard constitutional legislation; in McCulloch v. Maryland, we may question the correctness of the assertion that the power to tax is the power to destroy, but not of the power of the Federal Government to create a corporation as a means of executing one of the enumerated powers; in Gibbons v. Ogden, we may think, in spite of Marshall's opinion to the contrary, that the legislation of Congress and of the State of New York were not in conflict, but we will not dispute the correctness of the definition of the scope of the Federal power over commerce; while in Cohen v. Virginia, as the Court confines itself to the single question of the jurisdiction, we will accept Marshall's argument in all its parts as sound. This ability to take a legal question on which a large number of persons have preconceived opinions, the product of their political prejudices, analyze it in all its parts in such a way that the conclusion reached is admitted by the great majority of each successive generation of students to be inevitable, is the best test of Marshall." — 2 *Great American Lawyers*, 374-5, — Art. "Marshall," by Wm. Draper Lewis.

As to Marshall's reasoning powers, Judge Jos. Story tells the following: "Mr. Samuel Dexter was once in company with Fisher Ames and Chief Justice Marshall. The latter commenced a conversation, or rather an opinion (for he was almost *solus* in the dialogue) which lasted some three hours. On breaking up, the two former commenced on their way homeward, praising the depth and learning of their noble host. Said Ames, after a short talk, 'to confess the truth, Dexter, I have not understood a word of his argument for half an hour.' 'And I', good humoredly rejoined Dexter, 'have been out of my depth for an hour and a half.' "—2 *Story's Life and Letters*, 504.

the arguments in different connections. I have done so hoping in this way to gain allies. I should otherwise have compressed my opinion within half the limits.

Believe me very truly and affectionately yours,

JOSEPH STORY.

JEREMIAH MASON TO DANIEL WEBSTER.

BOSTON, *May* 27, 1832.

MY DEAR SIR, — Letters from Washington, stating the unanimity of the committee of the House of Representatives on manufactures, with the exception of Mr. Barbour, in reporting a bill in accordance with the views of the Secretary of the Treasury, have created great alarm. Those best informed on the subject, are united in opinion, that such a bill if passed, will prove fatal to the woolen manufacturers. They think that no rate of *ad valorem* duties can be safely substituted for the minimum duties. While the foreign woolen trade shall continue in the hands of foreigners, and often the manufacturers, who can readily furnish such inventories and other evidence of the cost of the articles imported, as they please, no vigilance in the custom-house officers could detect and prevent frauds. Under the present administration, it cannot be expected that much pains will be taken to prevent known frauds. The best conducted woolen factories have been maintained with great difficulty. Taken altogether, they have probably since 1824, been a loss (337) to their owners, equal to the amount of the interest of the money employed in them. The one I till lately was interested in, proved much worse than this; there was a loss besides interest, of a part of the capital. Increased skill now affords better prospects. But the present bill, if enacted, will I think, turn many of them into cotton factories, and cause others to be abandoned.

The woolen manufactory directly interests a larger portion of the people of the United States than any other. All the wool growers are directly interested. If this be sacrificed, what ground of hope can there be that other branches, less important, and not so directly affecting the interests of great numbers, will not successively experience the same fate. It seems now to be better understood than formerly, that the ruin of one branch of industry or one kind of property, must unavoidably disturb and injure all the rest.

I thought the New York convention took the only safe ground, which was to defend the whole system. This unites all its friends. It must be defended on this ground or not at all. Alterations and modifications not materially affecting the principle of protection, are of course to be admitted. Let the wool growers and woolen manufacturers be now sacrificed, and it is idle for the cotton manufacturers to expect when attacked, to have their aid. The only security is in the union of all the friends of the protection system. For this end all the interests must be faithfully protected. The whole line must be protected or the battle will be lost.

Besides, I do not see what is to be gained by yielding up this essential part of the system. As I understand the case, the enemies of the protection of manufacturers deny that government has the right to attempt it. This is certainly the ground assumed by their leaders, and a dissolution of the union is threatened as the penalty for the exercise of this right. The right is not, in the opinion of a vast majority of the nation, of a doubtful nature. To attain it was certainly among the chief inducements to form the government. A great majority deem the exercise of it essential to their welfare; and, as far as it has been exercised, the results have been eminently (338) successful. Immense interests are involved. Under such circumstances, to yield a part, in hopes of appeasing the violence of the opposers, seems to me to be an indication of weakness and folly. This yielding will not satisfy or appease your opponents, but encourage them to reiterated assaults till the whole system shall be abandoned. It will be early enough to yield a part and to modify when there shall be reasonable ground to expect that the doing so will produce satisfaction and lessen the violence of opposition. I do not believe that yielding at the present time would produce that effect. On the contrary, I think it would encourage opposition and increase its violence. Such is ordinarily the effect of yielding to unprovoked and unjustifiable threats. I would do nothing to increase the hopes of the Southern States that the exercise of the power in question would be abandoned. The due exercise of it is in my opinion not only essential to the welfare of the country, but to the very existence of the Union; without it the government would not be worth preserving, and such, I believe, would on trial, be found to be the opinion of all the Northern and Eastern States. The abandonment of the exercise of this power would immediately overwhelm New England with poverty and ruin.

I do not pretend to calculate the effect of the passing of this bill on the approaching presidential election. In process of time, I have no doubt it would render its advocates unpopular and odious. But as the operation of it is probably suspended to a future day, the effects would not be felt by the people till after the election will be over. If anything less than public suffering and calamity can awaken the people to a sense of their true interests, it would seem that the unprincipled conduct and mischievous attempts of the present administration would do it.

General Jackson has sufficiently explained what he means by a judicious tariff.

A number of gentlemen, and Mr. A. Lawrence[a] among the rest, (339) are about setting out for Washington to explain and enforce their views on the pending measure.

I am as ever, faithfully yours,

J. MASON.

DANIEL WEBSTER TO JEREMIAH MASON.

WASHINGTON, June 23, 1832.

MY DEAR SIR,—I duly received your letter, ten days ago. Mr. Biddle, when he wrote you, requested me to send you copies of the Reports, which I promised to do; but in truth, I had none to send, nor did we any of us get more than one copy, until two days ago, when Mr. Bell, as he informs me, sent you one. I have to-day received your second letter, and it has caused me to finish a duty which I commenced yesterday, that is, to write you on the subject of your first. I have reflected a good deal, and spoken to several friends, Mr. Bell, Mr. Clay, Mr. A. Lawrence,[a] and others, as to the necessity which the "Globe" may be supposed to have imposed on you to answer its slanders. On the whole, the result of opinion is, that there is no immediate occasion for your appearance in print. The abuse of the "Globe," on this point, will hardly affect the interest or fate of the bank, in its present crisis, and if it should, its mischief would be accomplished before your statement could appear. My own impression is, that after the adjournment of Congress, let the question go which way it may, *it will be expedient* for you, at your leisure, to make a suitable publication, and think it may probably be expected. No doubt, the authority on which the "Globe" proceeds, is Mr. Woodbury, Mr. Hill, Mr. Hubbard, etc., etc., or some of them. In the House of Representatives the Tariff Bill will probably be passed or rejected to-day. I know not which. If it come here, we shall try first, to amend, and second, if we cannot amend, to postpone the whole subject. Our majority at best will be small and feeble. Party absorbs everything. New York (her politicians) are obviously willing to sell the tariff, or anything (340) else, for the sake of making Mr. V. B.[b] Vice President. We shall know in a few days what the end is to be. The House of Representatives will probably take up the Bank Bill, Monday or Tuesday. I think it will pass that house, but the prevailing impression is, that the President will return the bill with his objections.

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[a] Abbott Lawrence, (1792-1855,) American merchant, legislator and diplomatist, younger brother of Amos Lawrence. Born at Groton, Mass., and educated there. Became a partner of his brother Amos (1814) in the dry-goods business, in Boston, taking a prominent part later in building up American manufacturers. The City of Lawrence, Mass., is the result of his activities. He donated also the money which founded the Lawrence Scientific School, at Harvard. He filled several public offices, including those of United States Congressmen, 1835-7, and 1839-40, Commissioner for the settlement of the Northeast Boundary question with Great Britain, 1842, and that of Minister to Great Britain, 1849.

Yours truly,

D. WEBSTER.

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[a] Abbott Lawrence.

[b] Van Buren was known as "A Northern man with Southern principles," and on account of his political influence, was called the "Little Magician." He was not an orator, but his more important speeches show careful preparation and his opinions carried weight. His early practice made him financially independent, and paved the way for his entrance into politics. He was an early disciple of the Clintons, Robt. R. Livingston and Aaron Burr, and later of Andrew Jackson.

He was a member of the State Senate, a member of the Court of Errors, the highest Court in New York, until 1847, Attorney-General of New York for four years (1815-19), U. S. Senator, 1821-28, when elected Governor; also previous to this a member of the Constitutional State Convention; resigned the governorship in 1829, to become Secretary of State under Jackson; appointed Minister to England in 1831, but was not confirmed by the Senate; Vice-President with Jackson, 1833-37, and President of United States 1837-41. Immediately after the admission of Benjamin F. Butler, he became a partner of Mr. Van Buren and the firm was soon known as one of the most distinguished in the State of New York, not only for its influence in the legal world, but for its controlling power in politics. One of the great secrets of Van Buren's success was the discernment he exercised in the selection of his friends and allies. In this he excelled the subtlety of Richelieu, Buckingham and Halifax. Says John Fiske: "Van Buren was the greatest master of political economy and the most lucid conception was had by him of the proper sphere of our government of all the presidents, and Shepard's Life of Van Buren is the ablest of the Statesmen Series." — 1 *Historical and Literary Essays, by Fiske,* 348.

CHAPTER IX.

Mr. Mason's Life and Correspondence, from his Removal to Boston in 1832 till his Death. — Professional and Social Life in Boston. — Death of his Son James. — Retirement from Active Professional Labor. — Declining Years. — Death and Character.

In 1832 an important event took place in Mr. Mason's life: he removed his residence from Portsmouth to Boston. This was a change he had long had under consideration, and he did not come to a decision without a careful weighing of the arguments for and against it. He was then sixty-four years old, and he was too wise a man not to know that, in general, it is not expedient to change either residence or occupation after the age of sixty. But there were reasons which made his case an exception to the general rule.

Portsmouth had been for many years a stationary, and had begun to be a declining town. The source of its former growth and prosperity had been dried up by the general pacification of Europe in 1815. The productive energy and enterprise of New England, once so profitably occupied in foreign commerce, the carrying trade and shipbuilding, were now largely diverted to manufactures, and for these, Portsmouth, so rich in facilities for commerce and shipbuilding, had no especial advantages. The professional business which Mr. Mason drew from Portsmouth itself was rather diminished than enlarged. His labors were not lessening, and his income was not increasing. And he was now getting to be an old (342) man, and age is not locomotive. His frequent journeys on professional business calls, and his long absences from home, were growing more and more irksome to him. Were he in Boston, his practice would be in that city or its immediate neighborhood. His name and face were well known in the courts of Massachusetts, and his professional reputation was as high in Boston as in Portsmouth. He had every reason to believe that in the metropolis of New England the practice of his profession would be at once less laborious and more lucrative than in Portsmouth. And in a social point of view he had more to gain than to lose by the change. Though there were many families in Portsmouth to whom he and his were strongly attached, yet his earliest and most intimate friends, such as Judge Story, Mr. Webster, Mr. Ticknor, Mr. Amos Lawrence,[a] and Mr. Abbot Lawrence, were all in Boston, or its immediate vicinity; and it was much to him to exchange the occasional and imperfect intercourse by letter for the full and free communion of speech. And there were yet stronger attractions than those of friendship drawing him to Boston, for his son, James, was established there in business as a partner in the house of J. W. Paige & Co., and another son, Charles, was just about to enter Harvard College.

It is probable—though no intimation of the kind appears in his correspondence—that Mr. Mason's annoying experiences as president of the Branch Bank of the United States in Portsmouth, as told in the preceding chapter, formed the weight which at last turned the doubtful scale. He was not a sensitive man; his frame and spirit were alike too robust for that; but he was not indifferent to the good-will of his neighbors, and his was one of those natures which feel more than they express. It pained and doubtless surprised him, that among his townsmen and neighbors there was a certain amount of dormant unfriendliness which took shape and utterance in an unreasonable opposition to his official course as president of the branch bank. The source of this unkindly feeling may be found in certain touches of nature which make the whole world kin. (343)

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[a] Amos Lawrence (1786-1852), American merchant, was born at Groton, Mass., and after education there, went to Boston, 1807, engaged in the dry-goods business, receiving into the partnership in 1814, his younger brother, Abbott. They conducted the business with great success. The firm was instrumental in developing the manufacture of cotton goods in the United States, and started a factory of their own in Lowell, in 1830. During his life he gave away $639,000 for educational and charitable purposes, — $10,000 for the completion of Bunker Hill Monument.

Mr. Mason was a great man in a small town. In intellectual force there was no one equal to him, and no one second to him. But some men bear with impatience the sway of an understanding superior to their own; and thus, while he had the respect of all, while he had many warm friends, there were some who feared him and some who envied him. He had not the character or the manners which make men popular. He never angled for the good opinion of others. Conscious of his strength, and careless of consequences, he never suppressed what he thought, and never uttered what he did not think. He read men with a sharp and penetrating glance. No form of weakness could escape him; and for such weakness as took the form of vanity or pretention he had an intolerant contempt, which he took no pains to conceal. He always spoke his mind with great freedom. His powers of sarcasm were great; he said pointed and pregnant things which were forgotten by himself, but never by those against whom they were directed. Men who are universally popular, of whom everybody speaks well, usually have in their characters something of weakness, or something of insincerity; and the kind of unfriendliness which Mr. Mason called forth was really a tribute to his intellectual force and the manliness of his nature.

The final parting was less hard to him than to Mrs. Mason, whose sweet and gentle character awakened nothing but good-will, and who was attached to the home where she had so long lived by innumerable memories of kindness and sympathy, alike in joy and sorrow, on the part of her friends and neighbors.

But when the change was made, and they were established, neither he nor his family found any occasion to regret the step that had been taken. Indeed, if there were any regret, it was that the removal had been so long postponed. Had he come to Boston when he left the Senate in 1817, it would have been a wise measure. He would have worked less hard, earned more money, and had a wider range and higher class of social enjoyment.

As it was, he found all his expectations more than met. He was (344) received by his professional brethren with cordial welcome and by none could his learning and power have been more thoroughly appreciated than by the able bar which Boston then had, comprising such men as Webster, Hubbard, Dexter, Choate, Rand, Fletcher, Charles G. Loring, and Charles P. Curtis, to say nothing of the living. And he could not fail to count it among the great felicities of his new position that he was to argue cases before a court presided over by so great a lawyer and magistrate as Chief Justice Shaw.[a] He found his time fully employed in the practice of his profession, both as chamber counsel, and as senior counsel in the conduct of causes; and in both capacities, the interests intrusted to him were of great magnitude, and the legal questions were of a kind worthy of his powers. His written opinions were especially sought in the construction of wills, and in the solution of difficult problems in the law of real property, and frequently too in nice points of commercial law, and in constitutional law. I have before me at this moment a quarto MS. volume, of three hundred and forty-six closely written pages, containing upwards of fifty opinions, many of them long and elaborate, and all marked by affluent learning, logical power, and a singularly clear and terse legal style. The earliest is of the date of September, 1832, and the latest of May, 1842.

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[a] "It has been my fortune in the course of a professional life of more than forty years, to practice before some very distinguished judges, but I cannot mention the name of Chief Justice Shaw without saying that, in all the qualities which make a great magistrate — in strength of intellect, in depth of mental vision, in comprehensive grasp of every question, however difficult, that came before him, in application to it of the appropriate learning, and in the unquestionable poise in which he held the scales of Justice, until one or the other ought to predominate, I have known no man who was his superior. Chief Justice Marshall I never saw; Chancellor Kent I never saw upon the bench, although I once met him in private life. But when I name Taney, Story, Nelson and Curtis, as among the judges before whom it has been more or less my lot to appear. and recall many others of deserved distinction in different States of whom I have had personal observation, it will, perhaps, be allowed that my estimate of Shaw as a judge, unimportant as it is to his fame, has not been formed without sufficient opportunities of comparison with men of note and mark. There have, doubtless, been judges who would be called more learned, or possessed more learning in special departments of the law, but no one ever knew Chief Justice Shaw to fail in the knowledge and application of the cause on which he had to act. It is true that he was aided by a learned bar, whose presentation of their cases was habitually thorough. But, after all has been done that learned advocates can do, it is the office of the judge to select, weigh, to compare, and not unfrequently, before the law can be declared, to make researches which counsel have not made, or to draw distinctions which have not been drawn. The opinions of this eminent person have always been received by the courts of other States of this Union and in the Federal Courts with a respect that have not been less than phenomenal, and that have not been accorded to those of any judge who has held a place in the judicial history of any part of the country." — *George Ticknor Curtis* — 1 R. B. Curtis' Memoirs (Note) 134.

The volumes of Pickering's Reports, from the fourteenth to the twenty-third inclusive, contain twenty-six cases in which Mr. Mason appears as senior counsel, many of them of great magnitude and importance; and during the same period he was of counsel in nine cases, of a similar class, in the Circuit Court of the United States. Of course, as every lawyer knows, a great deal of business must have been done by him which never resulted in questions of law to be heard by the whole court. He also often appeared before committees of the Legislature when important legal questions were under consideration, or large property interests were involved, and was heard with great attention and respect.

Mr. Mason found his social relations at Boston most agreeable. He took a large and handsome house on Tremont Street, to which (345) his own friends, old and new, and the friends of his children, were cordially welcome. Always given to hospitality, always fond of conversation, it was a great pleasure to him to renew his intercourse with his friends of long date, such as Mr. Webster and Judge Story, and hardly a less pleasure to form new acquaintances, and exchange thoughts with the fresh and active minds of a young generation. For he followed the wise advice of Dr. Johnson, and kept his friendships in repair. His heart warmed to every young man of professional or general promise with whom he was brought in contact; and

In a case in which an old white-haired man was a party before Judge Shaw, Choate of counsel. gave reign to his imagination and quoted a touching passage from King Lear. The Chief raised his mighty, and, with reverence be it spoken, shaggy head and glowered. "Mr. Choate," he broke out, "this is a dry question of law, and you mistake if you suppose the Supreme Court is to be influenced by any such considerations as you appear to be suggesting." Choate paused, fussed with his papers, then murmured just loud enough to be audible, enough for the tittering bar to hear him, "the Chief is not much of a lawyer, but what a polite and amiable man he is." Considering that the gruff Chief is as a lawyer worthy to rank with Theophilus Parsons, the rejoinder was very sarcastic.—*Parker's Reminiscences of R. Choate*, 200-1.

many who were once young and are now old will recall with grateful recollection his frank and manly kindness.

It was in the spring of 1832 that I, being a law student, first saw Mr. Mason. We met at the house of our common friend, Mr. Ticknor, a house for so many years known in Boston for its elegant hospitality, and the cultivated and agreeable society which gathered there. Every member of the bar and every law student in New England knew at least two things about him: that he was a very great lawyer and a very tall man. My knowledge of him went somewhat further, for I had often heard both Mr. Ticknor and Judge Story speak of him, the latter always in strong admiration of his legal attainments and logical power. I was, of course, prepared for his commanding stature, but his manner was not exactly what I had expected. It was more quiet and simple than such as young men usually associate with great intellectual power. His complexion was fresh and healthy, and his face more smooth and unwrinkled than in most men of his age. Had I seen him without knowing who he was, I should have taken him for a prosperous farmer. As I glanced from his face to that of Sir Walter Scott, in a fine portrait by Leslie which hung over the fireplace, I thought I saw some resemblance between the two. His voice was lower and gentler than seemed in harmony with his stately presence. He used no gesture in speaking; there was nothing peremptory or emphatic in his tone, and his manner was the reverse of dictatorial or overbearing. I noticed that his language was plain, almost homely, and (346) that his accent had a strong New England flavor. For both of these peculiarities I had been prepared.

From that time I often saw Mr. Mason, and nothing could be more agreeable than the intercourse I had with him. The fact that I had passed a year and a half in my childhood in his native town of Lebanon seemed to make a bond of sympathy between us, and led him to talk freely of his own early life, and the men and manners of a former age. He was fond of the conversation and society of young men. One reason of this was that he was much given to the asking of questions. This is a form of conversational intercourse which can only be cautiously indulged in between equals in age and station, because it seems to imply a relation of superiority and inferiority. The conversation between kings and their subjects is usually in the form of questions and answers. But, of course, no young man could object to giving to a man of Mr. Mason's age and eminence the largest and freest range of inquiry. Nor did Mr. Mason in the asking of questions take any attitude of superiority. He was—what those who knew him slightly did not suspect—a modest man, more ready to disclaim the right that belonged to him than to assert any which did not. If he asked questions, the reason was simply that he was all his life a keen observer and student of men. No book-worm ever read books with more interest than he read men, and of all persons I have ever known he was the most penetrating and the most accurate observer of humanity. No man ever interpreted more unerringly the outward signs by which the inward nature is revealed. Men stood before him as if made of glass. And every new human being that he met was an object of special interest to him, like a new book to a scholar, or a fresh specimen to a naturalist. And the asking of questions was his way of reading the living book.

In conversation he was not only one of the most instructive of men, but one of the most agreeable. In talking with a young man he never assumed any vantage-ground of age or eminence. He had so much real power that he could afford to be frank and simple. (347) He never talked down to a young man; never infused any condescension into his manner; never wounded one's self-esteem by the trick of drawing out. He laid his own mind fairly alongside the mind of the person he was talking with. He had no occasion for those artificial defenses of a stately manner and a formal style of speech which weak men sometimes throw up to prevent a too near approach. In all my personal intercourse with him he was as frank and free as if we had been equals in age. He told me many interesting anecdotes of his professional life and his experiences at Washington, which I now regret that I did not record at the time. Alas, how many things there are which we neglect to do when young, and are sorry for it when old! He discussed with great freedom the statesmen and lawyers he had known, and never spared those whom he thought weak or selfish or unprincipled.

Mr. Mason's discourse was not only the discourse of a wise man, but it was seasoned with certain mental traits not always found in combination with wisdom. He had a keen sense of the ludicrous, and the quickest discernment of any weakness that was a legitimate subject of ridicule. Thus his conversation had point and flavor, a homely vigor and energy, and a certain originality both of thought and expression. His memory was stored with personal anecdotes and characteristic traits and incidents illustrating the peculiarities of the distinguished men he had known. He was a frank and courageous talker, never keeping anything back from over-cautiousness, or an apprehension that somebody might think that what he was saying was not exactly proper for a man of his age and position. I have never known an old man whose conversation had so much of youthful spirit as his. I recall one or two instances illustrating this trait.

He told me once that when quite a young man he had a professional conference with Mr. Theophilus Parsons, before the latter was made Chief Justice of Massachusetts. Among the elements in the case was a certain conveyance of parish land, by a clergyman, and its nature and effect were under discussion. Mr. Mason suggested (348) that it might be held to be a covenant to stand seized. Mr. Parsons turned to him quickly, and said: "Mason, I like that; that is a good idea of yours; in the relation between a clergyman and his parish there is some analogy to that between a man and his wife." Mr. Mason went on to tell me: "I didn't know, or had forgotten, that a consideration of blood or marriage was necessary to support a covenant to stand seized, but I said nothing, and as soon as I got home, I took down my books and began to study the subject, and found the blood spurting out between the very lines of the page."

On one occasion he came into Mr. Sumner's office, which was next to mine, and found him engaged in writing an address to be delivered before a Peace Society. After a little good-natured banter on the part of Mr. Mason, and an equally good-natured defense of his views by Mr. Sumner, the former, rising to take his leave, said: "Well, Sumner, you may be right, but I should just as soon think of joining a society for the suppression of thunder and lightning as a society for the suppression of war."

Mr. Mason's correspondence, after his removal to Boston, declined in extent. This is the common experience of life. Not only do the friends of our youth and manhood depart before us, but the impulse to write letters grows weaker as we grow older. In the vernal season of life man obeys the general law which bids the bird sing and the tree burst into leaf. Youthful friendship seeks expression, and young men and young women write to each other because the full heart overflows, and its waters cover the page. It is their own satisfaction, rather than the satisfaction of their correspondents which moves them. But in declining life our affections flow in narrower and deeper channels. The frost of repression locks up the currents of the soul which once ran so freely. We think more but write less, and when we do write, our words are touched with the finger of time. Emotions are like blossoms; they seem out of season in the autumn. The line of the poet,— (349)

> "Be his the natural silence of old age,"

involves a truth which all who have reached old age will recognize.

Mr. Mason's habitual correspondents had never been numerous and two of them, Mr. King and Mr. Gore, to both of whom he looked up with a peculiar feeling of attachment and respect, died in the same year, 1827. Of his surviving friends, those whom he most valued, Judge Story, Mr. Webster, and Mr. Ticknor, were near at hand; and thus, after 1832, most of his correspondence was upon public affairs with Mr. Webster, while the latter was in the discharge of his public duties in Washington.

JEREMIAH MASON TO DANIEL WEBSTER.

Boston, *May* 27, 1832.

My dear Sir,—Letters from Washington, stating the unanimity of the Committee of the House of Representatives on manufactures, with the exception of Mr. Barbour, in reporting a bill in accordance with the views of the Secretary of the Treasury, have created great alarm. Those best informed on the subject are united in opinion, that such a bill, if passed, will prove fatal to the woolen manufactures. They think that no rate of *ad valorem* duties can be safely substituted for the minimum duties. While the foreign woolen trade shall continue in the hands of foreigners, who are often the manufacturers, who can readily furnish such inventories and other evidences of the cost of the articles imported, as they please, no vigilance in the custom-house officers would detect and prevent frauds. Under the present administration, it cannot be expected that much pains will be taken to prevent known frauds. The best conducted woolen factories have been maintained with great difficulty. Taken altogether they have probably since 1824 been a loss to their owners, equal to the amount of the interest of the money employed in them. The one I till lately was interested in, proved much worse than this. There was a loss besides interest, of a part of the capital. Increased skill now affords better prospects. But (350) the present bill, if enacted, will, I think, turn many of them into cotton factories, and cause others to be abandoned. The woolen manufactory directly interests a larger portion of the United States, than any other. All the wool-growers are directly interested. If this be sacrificed, what ground of hope can there be, that other branches, less important and not so directly affecting the interest of great numbers, will not successively experience the same fate. It seems now to be better understood than formerly that the ruin of one branch of industry, or of one kind of property, must unavoidably disturb and injure all the rest. I thought the New York convention took the only safe ground, which was, to defend the whole system. This unites all its friends. It must be defended on this ground, or not at all. Alterations and modifications, not materially affecting the principles of protection, are of course to be admitted. Let the wool-growers and woolen manufacturers be now sacrificed, and it is idle for the cotton manufacturers to expect when attacked, to have their aid. The only security is in the union of all the friends of the protective system. For this end, all the interests must be faithfully protected. The whole line must be protected, or the battle will be lost. Besides, I do not see what is to be gained by yielding up this essential part of the system. As I understand the case, the enemies of the protection of manufactures, deny that government has the right to attempt it. This is certainly the ground assumed by their leaders, and a dissolution of the Union is threatened as the penalty for the exercise of this right. The right is not, in the opinion of a vast majority of the nation, of a doubtful nature. To attain it was certainly among the chief inducements to form the government. A great majority deem the exercise of it essential to their welfare, and as far as it has been exercised the results have been eminently successful. Immense interests are involved. Under such circumstances to yield a part in hopes of appeasing the violence of the opposers, seems to me to be an indication of weakness and folly. This yielding will not satisfy or appease your opponents, but encourage them to reiterated assaults, till the whole system shall be (351) abandoned. It will be early enough to yield a part, and to modify, when there shall be reasonable ground to expect that the doing so will produce satisfaction and lessen the violence of opposition. I do not believe that yielding at the present time would produce that effect. On the contrary, I think it would encourage opposition and increase its violence. Such is ordinarily the effect of yielding to unprovoked and unjustifiable threats. I would do nothing to increase the hopes of the Southern States that the exercise of the power in question would be abandoned. The due exercise of it is in my opinion not only essential to the welfare of the country, but to the very existence of the Union. Without it the government would not be worth preserving, and such, I believe, would on trial, be found to be the opinion of all the Northern and Eastern States. The abandonment of the exercise of this power would immediately overwhelm New England with poverty and ruin. I do not pretend to calculate the effect of the passing this bill, on the approaching Presidential election. In process of time, I have no doubt, it would render its advocates unpopular and odious. But as the operation of it is probably suspended to a future day, the effects would not be felt by the people till after the election will be over. If anything less than public suffering and calamity can awaken the people to a sense of their true interests, it would seem that the unprincipled conduct and mischievous attempts of the present administration would do it. General Jackson has sufficiently explained what he means by a judicious staff. A number of gentlemen, and Mr. A. Lawrence among the rest, are about setting out for Washington to explain and enforce their views on the pending measure.

I am, as ever faithfully, yours, J. MASON.

DANIEL WEBSTER TO JEREMIAH MASON.

WASHINGTON, *June* 23, 1832.

MY DEAR SIR,—I duly received your letter ten days ago. Mr. Biddle, when he wrote you, requested me to send you copies of the (352) "Reports," which I promised to do; but, in truth, I had none to send; nor did we, any of us, get more than one copy, until two days ago, when Mr. Bell, as he informs me, sent you one.

I have, to-day received your second letter, and it has caused me to finish a duty which I commenced yesterday, that is, to write you on the subject of your first.

I have reflected a good deal and spoken to several friends, — Mr. Bell, Mr. Clay, Mr. A. Lawrence, and others, — as to the necessity which the 'Globe' may be supposed to have imposed on you, to answer its slanders. On the whole, the result of opinion is, that there is no immediate occasion for your appearance in print. The abuse of the 'Globe,' on this point, will hardly affect the interest or fate of the bank, in its present crisis; and if it should, its mischief would be accomplished before your statement could appear. My own impression is, that after the adjournment of Congress, let the question go which way it may, it will be expedient for you, at your leisure, to make a suitable publication. I think it may probably be expected. No doubt, the authority on which the 'Globe' proceeds, is Mr. Woodbury, Mr. Hill, Mr. Hubbard, etc., etc., or some of them.

In the House of Representatives, the Tariff Bill will probably be engrossed, or rejected, to-day, I know not which. If it come here, we shall try, first, to amend, and, second, if we cannot amend, to postpone the whole subject. Our majority, at least, will be small and feeble. Party absorbs everything. New York (her politicians) are obviously willing to sell the tariff, or anything else, for the sake of making Mr. V. B. Vice President.

We shall know in a few days what the end is to be. The House of Representatives will probably take up the Bank Bill Monday or Tuesday. I think it will pass that house; but the prevailing impression is, that the President will return the bill, with his objection.

DANIEL WEBSTER.

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JEREMIAH MASON TO DANIEL WEBSTER.

BOSTON, *January* 8, 1835.

DEAR SIR,—The Legislature was organized yesterday. A nomination will be made within a few days, unless some unforeseen obstacle comes in the way. I have seen Governor Davis, whose feelings and opinions are, as always, entirely right. Mr. Hale, and perhaps, some others, who are rightly inclined, but habitually slow in action, seem desirous of having a more formal communication with the Massachusetts Representatives, at Washington, on the subject. Letters have been sent to Washington, but, I think, answers will not be waited for. One difficulty suggested against the movement is, that a nomination would cause your resignation of your seat in the Senate, at the end of the present session. This is stated vaguely, on the authority of a supposed intimation made by you. This, some of your friends have denied. I do not think that a nomination would create any necessity for a resignation. Indeed, I think a resignation of your place in the Senate, for this cause, would be considered as false delicacy. In this I know many of your best and soundest friends concur. It would cause universal regret. At all events, it seems to me there is no necessity for making such a determination at this time. If the election is to be finally determined in the House of Representatives, the presence of a candidate at Washington, without exerting any improper influence, will be advantageous.

As to personal considerations for your resignation. I hope arrangements can be made to counteract their influence. Some individuals here, who have a right to speak with authority, say such arrangements can and shall be made.

Truly yours,
J. MASON.

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DANIEL WEBSTER TO JEREMIAH MASON.

WASHINGTON, *February* 1, 1835.

MY DEAR SIR,—I received your letter yesterday, and the mail of to-day brings intelligence verifying your prediction that Mr. Davis would be elected Senator. So far as regards the filling up the vacant seat in the Senate, nothing could be better. I hope all the evil will not happen, which is expected or feared, arising from the difficulty of finding him a successor in the administration of the executive government of the State. I do not think Mr. Adams will ever again consent to be candidate; certainly not against Mr. Everett;[a] and Mr. Everett and Mr. Bates are not men to suffer the harmony of the State to be disturbed by a controversy among their personal friends. I am still most anxious that all fair means should be used to settle this masonic and anti-masonic quarrel in Massachusetts. You have little idea how much it retards operations elsewhere. The reported debate in the Whig Caucus, on the subject of the Bristol Senators, is industriously sent to every anti-masonic quarter of the union, and has excited much unkind feeling, and thereby done mischief. We are endeavoring here to make the best of Borden. Our anti-masonic friends in Congress will write to him, advising him not to commit himself to any course of public conduct, till he shall come here and see the whole ground. The nomination appears to have been done as well as it could be. I mean, of course, in the manner of it. No fault is found with it by our friends, so far as I know. Measures are in train to produce a correspondent feeling and action, in New York, Vermont, and some other States. The Legislature of Maryland is now in session, and I have seen a letter to-day, which says, that if Mr. Clay were fairly out of the way, that Legislature would immediately second the Massachusetts nomination. Mr. Clay does nothing, and will do nothing, at present. He thinks — or perhaps it is his friends who think — that *something* may yet occur, perhaps a war, which may, in *some* way, cause a general rally round him. Besides, sundry of the (355) members of Congress from Kentucky, in addition to their own merits, rely not a little on Mr. Clay's popularity, to insure their re-election next August. They have been, therefore, altogether opposed to bringing forward any other man at present. Public opinion will, in the end, bring out these things straight. If Massachusetts stands steady, and our friends act with prudence, the union of the whole Whig and anti-masonic strength is certain. Everything indicates that result. Judge McLean already talks of retiring. His nomination seems coldly received everywhere. Unless Indiana should come out for him, I see no probability of any other movement in his favor. Mr. White's nomination is likely to be persisted in. Neither you nor I have ever believed it would be easy to get Southern votes for *any* Northern man; and I think the prospect now is, that Mr. Van Buren will lose the whole South. This schism is calculated to give much additional strength to our party. If Mr. W. appear likely to take the South, it will be seen that Mr. Van Buren cannot be chosen by the people; and as it will be understood that Mr. White's supporters are quite as likely to come to us, in the end, as to go to Van Buren, his course will lose the powerful support which it derives, or has derived, from an assured hope of success. The effect of those apprehensions is already visible. The recent attempt to shoot the President is much to be lamented. Thousands will believe there was plot in it; and many more thousands will see in it new proof, that he is especially favored and protected by Heaven. He keeps close as to the question between White and Van Buren. I have omitted to do what I intended, that is, to say a few words upon that part of your letter which relates to myself, more directly. In a day or two I will make another attempt to accomplish that purpose. Mr. Taney's case is not yet decided. A movement is contemplated to annex Delaware and Maryland to Judge Baldwin's circuit, and make a circuit in the West for the judge now to be appointed. If we could get rid of Mr. Taney, on this ground, well and good; if not, it will be a close vote. We shall have a warm debate on the Post Office Report, the (356) Alabama resolutions, and other matters; but I think my course is to take no prominent part in any of them. I may say something against expunging the Journal.

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[a] Edward Everett (1794-1865), born at Dorchester, Mass. An American orator, scholar and political leader. Was graduated at Harvard, became a tutor there, and in 1814 was ordained pastor of the Brattle St. Unitarian Church, Boston, where he gained wide reputation as a pulpit orator and controversialist, when less than twenty years old. Was professor of Greek at Harvard, 1815-24; studied in Germany with Geo. Ticknor; edited N. A. Review 1820-4; Representative in Congress 1825-35; Governor Massachusetts, 1836-40; 1841-45, Minister to Great Britain; President Harvard College 1846-9; Secretary State 1852-3; U. S. Senator, 1853-4. His greatest reputation was as an orator. His oratory was elegant, graceful, polished, elaborate, often florid, carefully studied, and generally more or less artificial, and of a style which has long passed out of date.

Yours truly, D. WEBSTER.

DANIEL WEBSTER TO JEREMIAH MASON.

WASHINGTON, *March* 19, 1835.

MY DEAR SIR,—I return Mr. ——'s letter. Mr. A. did quite as well in his letter to the 'Statesman' as could be expected. We have not yet acted on the New Hampshire nominations. I know not whether to desire to reject them or not. Decatur and Cushman are in great danger, but would they be succeeded by anybody better? And if Hill should be rejected, should we not have him in the Senate? Appearances in various parts of the country indicate dissatisfaction with the present state of things. The stock of patronage is exhausted, and many are left unprovided for; and they are looking out for other parties and other leaders. It is admitted, I believe, by most that Mr. Clay is gaining rapidly in the West. Kentucky is doubtless strong for him, and as against anybody but General Jackson, he would take nearly all the Western votes. In the mean time, the anti-masonic party, steadily increasing in New York, is breaking out like an Irish rebellion in Pennsylvania. It goes on with a furore that subdues all other feeling. These things put party calculations at defiance. The party here are obviously very much alarmed. The administration Senators are understood to have held a caucus two nights ago, and endeavored to unite and rally. Something more of tone and decision has been since visible. It may secure, perhaps, the confirmation of all the appointments. As to measures, they are irreconcilable. They cannot stir against the tariff. As a means of union, and a necessary means, they seem now inclined to keep the present President in office through a second term. He now intends to hold on, beyond all doubt. Here, again, accidents to his life or health would (357) produce quite a new state of things; so that, on the whole, I do not think there has been a period in our time, when one could see less of the future than the present.

I thank you for your civil sayings about my speech. It has made much more *talk* than it deserves, owing to the topic, and to the times. I hope it is doing some good at the South, where I have reason to think it is very generally circulated and read.

Yours, very sincerely, D. WEBSTER.

Having cut my thumb, I write even worse than usual.

In June, 1835, another great sorrow fell upon Mr. and Mrs. Mason, in the death of their second surviving son, James Jeremiah Mason, in the thirtieth year of his age. It was a bitter grief to them, and called forth the strongest expressions of sympathy from their many friends. Their son was fondly loved by them; and he deserved all their love. And it was hard for him to be called away from life so soon, for he had much to make life sweet. His person was handsome, his manners were engaging, his disposition was amiable, his business prospects were brilliant, and he had recently been most happily married. He was the first of their children to marry; and every parent can understand the pleasure with which they looked forward to seeing a son settled near them, in a home of his own. But all these fond hopes and anticipations were suddenly shattered. In course of a journey to the South, in the spring of 1835, the seeds of a disease were sown in his frame, which, upon his return, took the form of a fever, which ended in his death, after a brief illness.

JEREMIAH MASON TO GEORGE TICKNOR.[1]

BOSTON, *April* 3, 1836.

MY DEAR SIR,—I feel much obliged to you for your letter of the 21st December, notwithstanding the apparently inexcusable delay (358) in answering it. I have in truth been much occupied with professional engagements during the winter term of our court, which are not yet ended. A more efficient cause, is, I am habitually a very dilatory correspondent. If you will grant me further favor, I will endeavor to observe better manners for the future. I am glad to know that your opinion of the present state and future prospects of England is so favorable. You certainly had a fine opportunity of seeing and judging. I have been delighted with Mrs. Ticknor's journal. It seems impossible to have spent four months to better advantage. The power and influence of that nation are so vast, that her course must of necessity materially affect not only our own country, but all other countries of the civilized world. I was not aware that the wealth of the commercial and manufacturing classes had increased with the rapidity you state. This must certainly affect the balance of power in the government. The relative power of the nobility and ancient landed gentry has certainly lessened, and must continue to lessen still more. Their power rested essentially in their property. The stability of the government consisted chiefly in the close connection between property and political power. This has always been found to be the only safe foundation for stability in free governments, where the people are opulent. Wherever great wealth abounds, it will be the prime object of desire. It cannot be rendered secure to its possessors, without giving them the power necessary to defend it from all assaults. As the wealth of the commercial and manufacturing classes increases, in the same degree ought their political power to increase. If this newly acquired power can be kept under the influence of property, the government may change in some of its features, according as the taste of the new possessors of power differs from the old. But I see cause to apprehend revolution in want of stability. So long as the House of Commons shall truly represent the property of the nation, the institutions necessary for the security of property will be preserved in vigor. A House of Commons, elected by any influence other than that of property, will be likely to make war on it (359), or at least become careless about its protection and security. Against such a House of Commons, the Peers, can make no efficient stand. In this connection I consider the late change in the qualifications of electors of members of Parliament, and the new modeling of the municipal corporations, greatly the most important of all the attempted innovations on the British Constitution. If the elective franchise be extended so far as to get beyond or free from the control of property, I should anticipate further changes leading to trouble and confusion. While property governs, it matters little whether it be in the hands of the landed gentry, or of the capitalists, or in the hands of whigs or tories. I know this aristocracy of wealth is apt to be evil spoken of. But in a country where wealth greatly abounds, I doubt whether any other foundation for a stable free government can be found. It may be in some degree checked and modified by other influences. But after all the real power must mainly rest in property. In our country, it is quite apparent that most of our troubles arise from the right of universal suffrage. This is our radical error. Should we ever arrive at such a degree of wealth as Great Britain now has, it will be entirely impracticable for us to get on, without great changes in our government. According to your account of the riches of that country, we need not fear encountering this danger soon. Our wealth, however is, in my opinion, increasing as rapidly as is desirable.

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[1] Mr. Ticknor, at the date of this letter, was residing with his family in Dresden.

The information given you by the British Minister at Dresden, that the apprehension of a rupture with Russia made the French Government anxious to settle their misunderstanding with us, was an extraordinary circumstance. That is unquestionably the true key to the unexpected offer of the British Mediation, and also to the timely discovery by the French Government, of the satisfactory explanation in the President's last speech, of the insult in his former speech. It is not a little remarkable that this information should first come (as I believe it did) by way of North of Germany. They might have had at Washington conjectures, but I doubt whether they had anything in the nature of facts to rest their (360) conjectures on. It was generally believed here that the President was inclined for war. Many expected it. A war spirit was rising, and there is no doubt the country would have sustained the President on the ground he took. If the French had not yielded the point, as here they are understood to have done, war must have been the consequence. History affords few instances of war for causes more trivial or foolish. There is a strong expectation, as you doubtless know, that the Presidential election will result in the elevation of Mr. Van Buren. Judging from present appearances he will be elected by the people. Mr. Webster has retired from the contest. Perhaps he may be voted for by Massachusetts, for the reason that this State cannot be brought to vote for either of the other candidates. The Whigs of New England will make no effort to sustain Harrison or White. Mr. Van Buren will profess to follow in the tracks of the old hero, but he will not inherit his immense personal popularity. None of the Southern States will be cordial in his support. Some of them will oppose him, notwithstanding his efforts to conciliate them. But I think there can be no such union between the opposition of the South and the North as will render it powerful or efficient. The opposition in the Senate has lost its ascendency, and Congress is now in full blast. Two new States, Michigan and Arkansas, will be admitted into the Union, during the present session. Both of them will be Van Buren States. The most exciting political subject of the present time is the abolition of slavery. There are now at least five hundred abolition societies in the United States, and they are rapidly increasing, both in numbers and zeal. Few political men of any standing have yet joined them. As soon as they show themselves powerful at the polls, they will not want for political leaders. Dr. Channing's pamphlet, which you have doubtless seen, has gone through several large editions. It has exposed him to much censure, not only from slave-holders, but from many not infected with that taint. Very many of his friends think it unfortunate that he meddled with a subject so entirely unmanageable for any practical purpose. (361) The people of the South are greatly excited and alarmed. Calhoun and your friend Preston take a prominent lead. They are suspected of an intention of making use of this subject as a means of dissolving the Union, and establishing a Southern Republic. In my opinion no question has arisen since the establishment of our government so dangerous to its permanence, as this. Whenever the abolitionists gain such an ascendency as to induce any interference, on the subject of slavery in the Southern States, those states will withdraw from the Union. They seem united in opinion, that a regard for their safety would require them so to do, and to erect a government especially calculated to protect them against slave insurrection. Our good city moves on its accustomed course. Money is the main object and that is obtained fast enough to satisfy most of its votaries. ....Those of my own family are as far recovered from the effects of our overwhelming domestic calamity, as could be expected. Indeed, Mrs. Mason has shown more resignation, patience and fortitude than I expected from her. They all unite with me in affectionate regards to yourself, Mrs. Ticknor, and Anna, to whom I request to be remembered in a special manner. I am flattered with the assurance that amid all the novelties she is constantly seeing, she permits me to retain a place in her recollection. We miss you more than I can express. As Mrs. Ticknor's health, the professed object of your going abroad, seems now pretty well established, I am selfish enough to wish that a Russian war, or something else, should drive you home, before the expiration of the threatened period of your absence.

I am, my dear Sir, as ever, with entire esteem, faithfully yours,

J. MASON.

DANIEL WEBSTER TO JEREMIAH MASON.

NEW YORK, *June* 30, 1836.

MY DEAR SIR,— . . . . Affairs were in a pretty state of excitement when we left Washington. Be assured, Maryland, Ohio, and (362) Kentucky, are irretrievably lost to the administration. Indiana, also, and probably Illinois and Missouri. Recent events will hasten on the contest, and it will be impossible to restrain the people from bringing out Mr. Clay as a candidate against General Jackson. We had a great run of luck, especially in the House of Representatives, the last week of the session. I hope to see you soon. As to my *seat*, I shall not act suddenly on that subject. Sometime ago, you expressed a wish that Mr. Madison might come out against this nullifying doctrine. That object is secured. In due time the public will have the benefit of his opinions, in the most gratifying manner. I left Washington on Monday, the moment of the adjournment, and came hither, without much delay. At Philadelphia I saw Mr. Biddle and some other gentlemen, and we had a hearty laugh at the fortunes which have befallen your puissant accusers, Hill, Decatur, and Cushman........

I am, dear Sir, yours as ever, D. WEBSTER.

JOSEPH STORY TO JEREMIAH MASON.

CAMBRIDGE, *December* 29, 1837.

MY DEAR SIR,—I enclose you a copy of the title-page and dedication and preface of my new work.[1] I hope that you will not think that I have taken too great a liberty with your name, in what I have said, as it is a very moderate expression of my own opinions.

The work will probably be published about the first of February, being now nearly all printed, with the exception of the Indexes and a few sheets of the text. I shall have the pleasure of asking you to accept a copy, when it is published.

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[1] The Commentaries on Equity Pleadings.

I am with the highest respect, truly yours,

JOSEPH STORY.

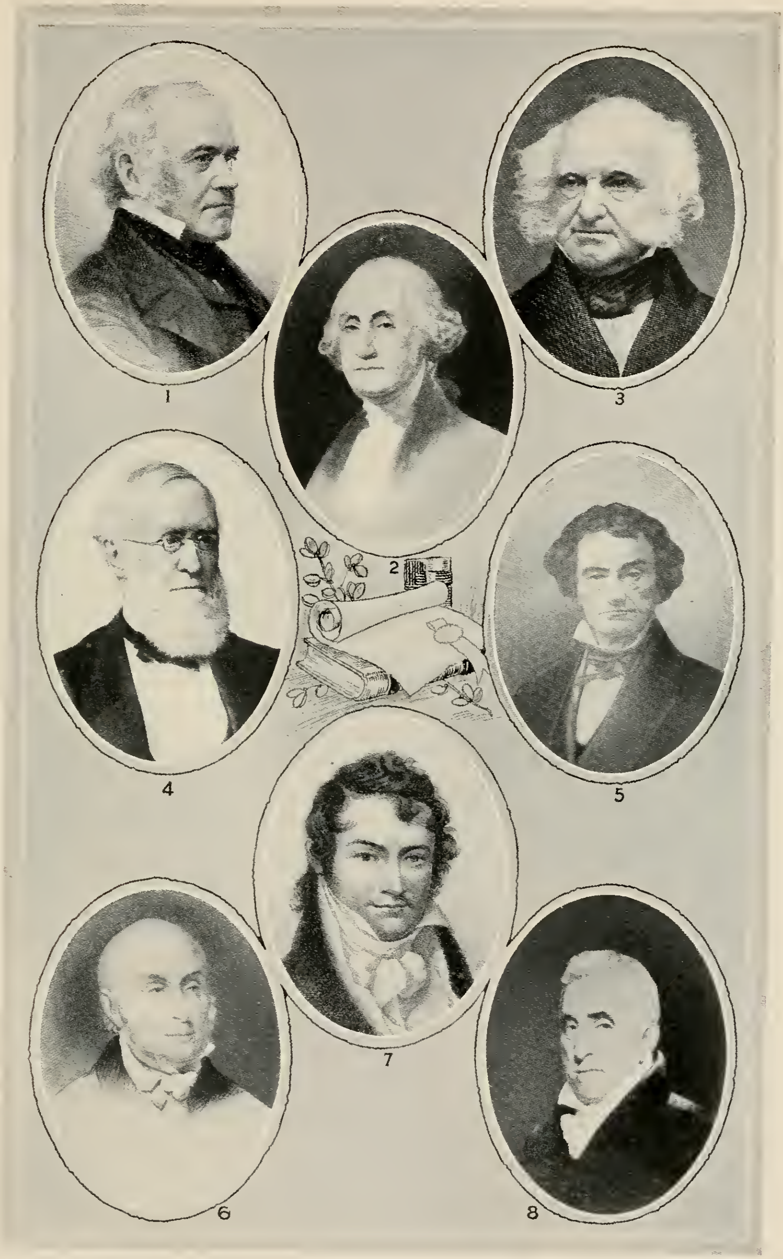
In 1838, on completing his seventieth year, Mr. Mason, in accordance with a resolution formed long before, retired from active (363) practice in the courts, and during the rest of his life confined himself to the duties of chamber counsel. Herein he found all the professional employment he wanted; and his family, his friends, and his books, filled up all the time not needed for the claims of his clients. He never knew the burden of unoccupied hours, or the dreariness of living without an object. In July, 1842, he accepted, in the following letter, an invitation from Mr. Ticknor to come to Woods' Hole, where he and his family were passing the summer.

JEREMIAH MASON TO GEORGE TICKNOR.

BOSTON, *July* 23, 1842.

MY DEAR SIR,—I am much obliged by your kind invitation to repeat my visit to you in your seclusion this summer. Recollecting the high enjoyment I had there the last season, I find it impossible to refuse your present invitation. I received your letter on my return with Mrs. Mason from Connecticut, where we had been to see my relatives. I contemplate soon making a short tour somewhere with my daughters, after which, sometime during the month of August, I intend to avail myself of your invitation, bringing with me some of my family, of which I will give you seasonable notice. Mrs. Mason and my daughters desire their best regards to Mrs. Ticknor and Anna, with thanks to Mrs. T. for her note.

You ought to be thankful that you have nothing but newspapers to pester you on the deplorable condition of our public affairs. The tone of conversation here has become distressingly desponding and sad. Public and private credits are daily sinking lower and lower. All important business plans suspended, and the merchants and cap-



1. GEORGE TICKNOR. 3. MARTIN VAN BUREN.
2. GEORGE WASHINGTON.
4. E. ROCKWELL HOAR. 5. RUFUS CHOATE.
7. WILLIAM COLEMAN.
6. JOHN QUINCY ADAMS. 8. DAVID DAGGETT.

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italists, having nothing to do, interchange moans with each other. From Washington all hopes of relief are nearly abandoned. The prevailing opinion is that Congress will adjourn without doing anything effectual with the tariff. The general contempt for the President is increased, and the desertion of the Southern Whigs excites in many breasts very angry feelings. Amidst this general (364) gloom, a letter from A. Lawrence,[a] just received, sheds a ray of hope on the pending negotiations with Great Britain. He says, that Great Britain and the United States have agreed on a line for the Eastern boundary, and that Massachusetts has assented to it. Hence it is inferred that the treaty will be made and the line established with or without the assent of Maine.

I am with sincere regard, truly yours, J. MASON.

A letter from Mr. Ticknor to Mr. Legare,[b] written after Mr. Mason's visit, gives a pleasant glimpse of the latter in his hours of social ease.

WOODS HOLE, *August* 21, 1842.

MY DEAR LEGARE,— . . . . Mr. Mason came last week and passed a few days with us. He was very amusing, — talking more than common and less politics, and in a less lugubrious tone. He feels that at seventy-five he need not trouble himself much about what you do at Washington, and though the state of the country deprives him of four or five thousand dollars a year from his hard earned income, he neither frets nor whines about it. Things will last out his time; and for posterity, they must do as he has done, — fight it out. So he played whist, and made merry; took a nap in the forenoon, and a cigar in the afternoon, in short, was in the best possible condition. But he gives you all up at Washington, and thinks it is time there was a Convention of the Free States, to look out for themselves.

The veto came while he was here, and good fun he made of it.

[a] Abbott Lawrence.

[b] Hugh S. Legare (lŭ-grē′). (1789-1843). As an orator and politician Legare rivalled the splendor of Burke, and his flashing reach of thought, as a scholar he entirely equalled Gibbon in labor and in learning and would have

DANIEL WEBSTER TO JEREMIAH MASON.

WASHINGTON, *August* 21, 1842.

MY DEAR SIR,—I cannot forego the pleasure of saying to an old and constant friend, who, I know, takes a personal as well as public interest in the matter, that the treaty[1] was ratified last evening, by a (365) vote of thirty-nine to nine! I did not look for a majority quite so large. I am truly thankful that the thing is done.

Yours ever faithfully,
D. WEBSTER.

JEREMIAH MASON TO DANIEL WEBSTER.

BOSTON, *August* 28, 1842.

MY DEAR SIR,—You are entirely right in the belief that I feel deeply interested in the matter of your treaty, as well for public as personal reasons. In my opinion it is of more importance to the welfare of the country than anything that has taken place since the Treaty of Ghent. Such I believe to be the public opinion. Your merits in this negotiation are universally admitted to as great an extent as can be desired. What affects you so essentially, cannot fail to excite a strong personal interest with me. For be assured, my dear Sir, that there has never been a moment during our long continued friendship when I feel more deeply interested in your welfare than I do at the present time. While I most cordially congratulate you on your present success and the increase of your reputation as a statesman therefrom, I cannot forbear suggesting my fear and anxiety for the future. When the late cabinet so hastily resigned their places, under the supposed influence of Mr. C., I certainly thought you acted rightly in not going out at his dictation. The eminent services you have since performed will satisfy all whose opinions are of any value, that you judged rightly in remaining in office to enable you to do what you have done. This important affair is now brought to a happy conclusion, and your best friends here think that there is an insuperable difficulty in your continuing any longer in President Tyler's Cabinet. Having no knowledge of your standing or personal relations with him, or of your views, I do not feel authorized to volunteer any opinion or advice. I presume you are aware of the estimation in which the President is held in this region. By the Whigs he is almost universally detested. This (366) detestation is as deep and thorough as their contempt for his weakness and folly will permit it to be. I use strong language, but not stronger than the truth justifies; your friends doubt whether you can either safely to your own character and honor act under or with such a man. It is generally understood that Mr. Choate will resign at the end of this session. In that event your old seat in the Senate will be open to you; on some accounts that would not seem altogether desirable. I have heard it suggested that you might have Mr. Everett's place in England and let him go over to France.

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[1] The Ashburton Treaty,—named after Lord Ashburton (Alexander Baring), who with Webster, negotiated the treaty.

placed himself in parallel with Mansfield as a lawyer, * * * A man far the most remarkable that our country has seen, in all accomplishments of public life, he left nothing to be lamented in his career except its early close, at the age of fifty-four. He was appointed Attorney General of the U. S. by President Tyler in 1841.

I repeat that for the reasons already intimated I give no opinion or advice as to what is best and most expedient. I hope and trust you will judge and determine rightly . Lord Ashburton has been received here in a manner, I presume, quite satisfactory to himself. He lauded you publicly and also in private conversation in terms as strong as your best friends could desire.

I am, my dear Sir, as ever, faithfully yours,

J. MASON.

DANIEL WEBSTER TO JEREMIAH MASON.

WASHINGTON, *February* 6, 1844.

MY DEAR SIR,—I have received your letter of January 29th. The story of my being about to remove to New York is quite idle. Having entered into engagements to take part in three or four causes, to be heard in that city, some young gentlemen invited me to take a room near theirs, for my use, when there, with access to their library, etc. This I agreed to as being convenient to me; and probably they supposed it would not be prejudical to them. The subject of returning to the Senate has been suggested to me, from various quarters. At the present moment I see no great public object to be accomplished, by such a movement, and it might only excite expectations not likely to be fulfilled. No great interest can be felt for what remains to be done, under the present administration. The country is likely to be mainly occupied with the (367) next election. The result of that election may enable us to see what is before us, more clearly. Mr. Choate's term expires in March, 1845, and from the proposed time of his resignation to that time, I do not see much that could be done for good. Besides, I think it would be rather awkward to be in the Senate now. I could not probably approve much of what should be done by the administration; and it would be disagreeable to find myself obliged to oppose vigorously, an administration to which I have myself belonged. There being therefore, in my judgment, no great public object to be attained, I feel the more at liberty to consult my private convenience. I am now a little engaged in the law, and need strongly enough what fees I may be able to pick up. To be sure, I should be very glad to be done with the courts; but their atmosphere, if not altogether pleasant, is yet usefully *bracing,* to those whose purses are slender, however it may be with their constitutions. On all accounts, therefore, I think it better that I should, for the present, remain where I am. Let us see what the ensuing election may bring forth. I dare say there is no *very strong* desire that I should return to the Senate. The body of the Whigs might wish it, but there are other candidates, who may like the chance, and there are also some prominent men who have not yet digested the spleen, generated by past events. As to these last, let them indulge themselves, I shall bide my time.

I am, dear Sir, yours very truly,

DANIEL WEBSTER.

A diary kept by his eldest daughter, Mary Mason, and seen by no one but herself till after her death, contains a few entries touching the last years of her father's life, which may be here appropriately introduced.

1845, *November*.—My dear father seems deeply touched by the sorrow of our beloved friends,[1] and we talked a good deal upon the (368) recognition of friends in Heaven. He thinks the doctrine is nowhere clearly revealed in Scripture, but it is one no human mind is willing to give up. He hopes to recognize his mother there, of whom he has the most delightful recollection.

1847, *January*.—Father says that during the Avery trial, a young clergyman came to him and told him that the Lord had revealed to him in a dream that Avery was innocent and had commanded him to tell him. Father asked if it had been revealed to him how it could be proved. The man acknowledged that it had not. Then father told him he had no confidence in his dream.

1847, *March*.—Father was reading this afternoon Peabody's "Sermons on Consolation." He said he liked them, but should have liked them better if they were more orthodox. He wanted to keep all the orthodoxy he had. He would give almost anything he had for the strong faith of his grandfather, Fitch, who was a pious, good, old man, and used to take a great interest in him, when he was a young man, thinking, as he was going to college, that he would certainly be a minister.

1847, *March*.—Father seems depressed at times, and to feel the burden of old age pressing very heavily upon him. He often says that his chief business now is to prepare for a better world, and that he is constantly trying to do so. He seems to feel intimations which he cannot describe, that his days are not to be long on earth, and the tenderness of his affection for his family, and loving to have us close to him, is very touching. How thankful I feel that Charles is to be living so near him. He loves to talk of the resurrection, and was much interested this evening in hearing Dr. Stone's sermon upon the Church in Heaven.

The Avery trial mentioned in Miss Mason's diary was that of the Rev. Ephraim K. Avery, a Methodist clergyman, charged with (369) the murder of Sarah M. Cornell, before the Supreme Court of Rhode Island, in Newport, in May, 1833. It awakened an intense interest throughout New England, and especially in the State of Rhode

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[1] The death of Robert Lawrence, the youngest son of Mr. and Mrs. Amos Lawrence, is here alluded to.

Island. The fact that a Methodist clergyman, of hitherto irreproachable life, was charged with the crime of murder, and incidentally of adultery, was alone enough to create a strong sensation, and there were besides, many elements in the case calculated to stimulate and gratify a prurient taste. Persons took sides for and against the prisoner, and made up there minds beforehand as to his guilt or innocence, and on this account it was difficult to find twelve unbiased men to sit upon a jury. The trial lasted twenty-seven days, beginning on the sixth day of May, and closing on the second day of June, and an immense number of witnesses were examined. It was one of those sensational cases for which Mr. Mason had little taste, and in which he was not often engaged, and he accepted the retainer as a mere matter of professional duty.

The great religious denomination to which the prisoner belonged were naturally desirous to secure in his defense the best professional ability the country afforded, and the result showed the wisdom they displayed in selecting a great lawyer and a man of consummate judgment like Mr. Mason rather than a showy declaimer. The facts in the case were well calculated for Mr. Mason's peculiar powers. The issue of guilty or not guilty involved two inquiries: first, whether the unhappy young woman whose death was the cause of the trial committed suicide or was murdered; and secondly, whether in the latter event, the prisoner was the guilty party. Of these two inquiries the former was the more important, for if the jury were satisfied of the murder, this, owing to the facts in the case, would have been one step, at least, towards the conviction of the prisoner, whose counsel had no other theory to account for the death than that it was an act of self-destruction. Mr. Mason's cue therefore was to persuade the jury that Miss Cornell had not been murdered, but had committed suicide. To this point his whole force was directed both in his argument and in the examination and (370) cross-examination of witnesses. His case was to be made out by inferences drawn from a great number of facts, and for this task his infinite patience, his tenacious memory, his logical power, and his unerring tact were admirably suited. The whole trial may be advantageously studied by the young lawyer as an illustration of what has before been said, that sound judgment is the most important element in the conduct of cases, whether civil or criminal. His argument is a simple unimpassioned statement addressed to the understandings of the jury, presenting the facts on behalf of the prisoner in that plain way which veiled the consummate skill with which they were marshalled. After such an argument, it may be safely said that a conviction could not have been possible, though a divided jury might have been. The prisoner was acquitted, and though there was some local and temporary dissatisfaction, the general public were satisfied with the result.

I will not vouch for the truth of the following anecdote; but if not true it is probable. It is said that some time after the trial a friend of Mr. Mason's, not a lawyer, ventured to ask him whether he himself thought that Avery was innocent; to which Mr. Mason replied with a smile, "Upon my word, I never thought of it in that light before."

Another story told of him as happening in Newport during the course of this trial, I believe to be true. A distinguished member of the Rhode Island bar, who had never before met Mr. Mason, had heard of his habit of asking questions, especially of new acquaintances, and when presented to him he determined to forestall him in this particular, and accordingly began the conversation by a series of questions. Among other things, he asked him whether he liked this and whether he liked that, of all which queries Mr. Mason answered some and parried others. At last his interrogator said: "Well, Mr. Mason, tell me what you do like?" To which Mr. Mason replied: "Why, I like to sit in this chair, and have a Rhode Island lawyer ask me questions." It is needless to add that the examination by interrogatories was not further continued. (371)

A letter addressed to Mr. Mason in the last year of his life by Mr. C. G. Loring, one of the leaders of the Suffolk bar, shows the high respect in which the former was held by his professional brethren.

CHARLES G. LORING TO JEREMIAH MASON.

To Hon. J. Mason:—

Dear Sir,—The Law Club will commence its winter meetings at my house on Monday, and I hope we may anticipate the gratification of your attendance. I am induced to write to you upon the subject, by an intimation at Judge Putnam's, that it was doubtful whether you intended to continue to us the pleasure of your attendance; and from his saying to me, that he should retire if you did. I utter the feelings of all the members of the club with whom I habitually associate, and I doubt not of all the rest, that we should esteem the loss of yourself and Judge Putnam as one of the greatest privations we could incur — not to say the greatest. And I trust therefore, that for our sakes, you may be induced to remain with us. Permit me too, to add, with the freedom which your great and unvarying kindness to me seems to authorize, that I cannot but think that the occasional intercourse of yourselves with those who entertain towards you sentiments of such profound respect and hearty affection, and who are almost inevitably secluded from you by their engrossing and arduous labors, at all other times, may do something to help the winters pass more agreeably, in retaining you still in the atmosphere of social labor, where you have done so much for your and their mutual good and honor.

With very great affection and respect,

Charles G. Loring.

8 Ashburton Place, *November* 13, 1847.

(372)

DANIEL WEBSTER TO JEREMIAH MASON.[1]

Boston, *May* 8, 1848.

My dear Friend,—I thank you for your kind letter, received some days ago, and for all the proofs of sympathy and affection manifested for us in our afflictions. These two calamities were unexpected. I find it difficult to hold up against them. Of five children, only one remains. But I try to discipline myself, and submit without repining to the will of God. It is a sad thing to outlive our children; but if it be so ordered by Divine Wisdom, I acquiese.

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[1] This letter was in reply to one from Mr. Mason, called forth by the death of Mr. Webster's second son, Major Edward Webster, and Mrs. Julia Webster Appleton, his daughter.

Ere long, I know that I must follow them. I shall not go to Washington for a week or ten days, and will find an occasion to see you and your family before my departure. You and Mrs. Mason are among those whom I and mine have longest known and most loved. I thank God that I am not deprived of either of you in this day of trouble. I look back on our long friendship and intercourse, as a bright line along the course of life; and it has been a continuing consolation, when connections the nearest and dearest have been struck down.

With true regard and affection, yours,

D. Webster.

On the 27th day of April, 1848, Mr. Mason completed his eightieth year. Thus far the natural infirmities of age had pressed lightly upon him. His constitution was robust, his health had always been vigorous, and his intellectual powers had suffered no decline. He had the same pleasure in reading, and in the society of his family and friends, that he had always had. And so it continued during the summer and early autumn of 1848. It was in the month of October that the final summons came, and the Providence which had crowned his life with so many blessings, was equally kind in the manner of his death, sparing him the burden of a long illness, and (373) sparing his friends and family the pain of seeing the mind decay before the body died. The following narrative of his last illness and death is taken from the diary of his daughter, Mary Mason, from which a few extracts have been previously given: —

"*October* 15, 1848.—The blow has come at last, which has removed our noble head. Our beloved father is no longer here. He breathed his last peacefully at eight o'clock last evening, his dear ones all around him, and I think he was conscious of their presence almost to the last, for he pressed Charles'[1] hand when he asked him if he knew him, I think within an hour of his death. We had thought him dying since ten o'clock in the morning, when Charles made an earnest prayer for him, at his request. Now that the solemn scene is over, let me try to recall some of the circumstances.

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[1] His youngest son, an Episcopal clergyman, settled in Boston.

"Sunday, the 8th of October, he was well, and went to church all day, which has been an effort to him during the last year, when his infirmities had increased, and an afternoon nap was necessary for his health and comfort. Monday, he drove mother out in the morning, but did not seem very well; but he called with her, as he had many times before, to see Mrs. Eustis, who has been so ill. He came home at his usual hour in the afternoon. I was sitting at the window. He sat down in his chair that he loved so well, and enjoyed a quiet hour of meditation, looking upon the western sky and sunset. How he loved that hour and view, and would seem to fix his eyes upon the distance, as if he would penetrate the brightness beyond! That evening was a very pleasant one. Miss Lyman took tea with us, and father made her sit down by him, and tell him of a visit she had been making in Lebanon, and talked with great interest to her of the old place. He has loved lately so much to speak of the home of his childhood. Dr. Potter,[1] with Charles, were here in the evening. Dr. Potter sat all the time close to father, and seemed to value the privilege.

"The next morning he did not come down to breakfast, and took (374) it late, and seemed unwell. I went into the library, and found he had laid down his paper. I asked him if I should read a speech of Mr. Webster's; but he did not listen with his usual interest. He soon lay down, but could not sleep, and mother sent for Dr. Ware, who seemed to think him more than commonly indisposed. He gave him calomel, and ordered him to live upon gruel. That evening he seemed very miserable, but he insisted on going down to tea, and he and mother took tea together in the parlor, as we thought the dining room cold. In the evening, I read to him for the last time in his accustomed seat, passages from 'The Diary of Lady Willoughby.' Charles came in the evening, and thought him better. That night I slept in the next room, to be near. At about two o'clock, mother called me, and said he was very restless, and had a good deal of pain in his breast. I rubbed him with hot spirit, and put on a mustard plaster, which seemed to relieve him for the time. While I was doing this, my heart failed me, it was such a new thing to be doing this for him: it seemed as if his noble frame were yielding at last. He went to sleep again, but in the morning he seemed no better, and to have no wish to leave his room. He was exceedingly restless, and could get no relief from change of position. He asked if George[1] had read prayers with us since he had been sick, and expressed a wish that the service should not be omitted. Mother came into the room. He said, 'Come here and sit by me; I always love to have you near.' I asked if I should read to him. He said yes; and I read parts of the fourth and fifth chapters of Hebrews. Afterwards, when he and mother were alone, Charles came in and prayed with them. He lay down, as usual; after dinner, with mother at his side. In the afternoon, Marianne[2] went into the room, and found dear father trying to get up, but he did not seem to have the power. She was frightened, and called me, and we found he had lost the use of his limbs, but could not comprehend the difficulty. He said he must get up, and seemed so determined, that, with the aid of Charles, we got him into (375) his chair, where the doctor found him, and persuaded him to be put on the bed again; and leeches were soon applied to his head. While the doctor was attending to them, he turned round and said, 'Why, doctor, I thought only old women put on leeches.' After this, he was wandering; but his mind could always be recalled by questions, which he would answer in a way which showed he understood them. He was throwing his arms out once, as he often did, and mother asked him what he wanted. He said, 'Nothing.' She said, 'Man wants but little here below.' He showed that his observation was still alive, for he immediately finished the couplet: 'Nor wants that little long.' He asked Charles to pray with him several times, and intimated his comfort in it. When asked if he could place his whole trust in his Saviour, he said, 'What other trust can I have,' with earnest solemnity. In everything he said, — which was but little, for he spoke with great difficulty, — he showed great humility, but a firm reliance on the merits of his Savior. His eyes were generally closed, but occasionally they were turned up with an earnest, devout look, as if in prayer. He seemed to know we were all about him, and often car-

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[1] Now the Right Reverend Horatio Potter, Bishop of New York.

[1] His eldest son, an inmate of his father's family.

[2] His youngest daughter.

ried our hands to his lips, and put his arms around our necks and drew us down to him. The trial of helplessness, from his great weight, and from his being unused to be taken care of, must have been very painful to him; but he took everything without complaint, and with perfect gentleness and patience.

Saturday, the 14th, his breathing seemed to be difficult. As the forenoon advanced, it grew more regular, and seemed peculiar. He was less conscious, and we felt that death was approaching. The family were all summoned. When Charles came in, he made an earnest prayer, commending his soul to his Maker and Redeemer. He made it close to his ear. He asked him if he had heard and understood him; he pressed his hand, and tried to speak. He never spoke again, although I think he was conscious that we were about him. All day we were watching that beloved, venerable form, thinking that each breath might be the last. It did stop about (376) eight o'clock in the evening. Without a struggle or a groan, the soul had fled: the noble form was left beautiful and serene, like a marble statue."

Mr. Mason's disease was paralysis, teminating in apoplexy. He died October 14th, 1848, and his funeral took place, October 17th. His remains were laid in the cemetery at Mount Auburn, after services in Grace Church, by the Rev. Alexander H. Vinton, D. D. A few weeks before his death, he had driven out to Mt. Auburn with his wife, and pointed out the spot where he wished to be laid.

One or two little incidents occurred during his brief last illness which were characteristic of him. His son Charles asked him what kind of pain he had. He answered, "I don't know of any pain that is pleasant." His daughter Mary chancing to make some casual remark in a low tone of voice, not intended for his ear, he asked what she said, "Nothing, Sir," was the reply. "Mary, what words did you use with which to say nothing?" was his rejoinder.

No memoir of Mr. Mason should conclude without some mention of his remarkable personal appearance. In his case, as in that of Dr. Johnson, a powerful mind was inclosed in a giant frame. Like Saul, the son of Kish, he towered in stature above all his fellows. First in Portsmouth, and afterwards in Boston, he was the tallest man who walked the streets. In his prime, when he stood erect, his height was six feet and six inches; though in declining life, by reason of a slight habitual stoop, he appeared less tall than he really was. His frame, slender in youth, expanded as he grew older, and in his latter years assumed a bulk proportioned to his height. His head, well formed and really large, seemed small in comparison with the size of his person. His movements were slow; he used no gestures in speaking; and so far as the body was concerned, his habits were inactive. His powerful constitution and temperate habits insured him long continued and vigorous health without regular exercise or any particular rules as to diet. He was capable of severe and protracted toil to the last. Few men of sixty-five could have borne as he did the exhausting strain and pressure of the Avery trial. It (377) is not work that kills, but worry; and Mr. Mason's was one of those happy organizations that burn none of the oil of life in worrying or fretting. The portrait at the beginning of the volume is a photograph from a bust by Clevenger. It well recalls Mr. Mason to those who knew him; but to those who knew him not it hardly reproduces the calm power and kindly shrewdness of the original.

Those who have read the preceding pages will have formed a distinct impression of what manner of man Mr. Mason was, and it only remains for me to fill up the outline already drawn, and set forth more in detail his traits of mind and character. In doing this I shall speak both from my own observation of him, and from the testimony of others who knew him longer and better.

It should be borne in mind that Mr. Mason's public claims to remembrance, rest wholly upon his merits and eminence as a lawyer. There has hardly been a man in our country of his general intellectual force, whose labors and triumphs were so exclusively professional as his. To the honors of literature he made no claim; and though under favorable conditions he might have won enduring fame as a statesman, his term of public service was too brief, and fell upon too unpropitious times, to permit him to entwine his name with the history of his country.

And further it is to be noted that Mr. Mason was always a lawyer, and never a judge. The function of a judge is higher than that of a lawyer, and a seat on the bench is the natural reward of eminence at the bar: it is always so in England, and generally so in this country, unless the glittering prizes of politics prove the stronger attraction. The fame of a lawyer is at once local in its range, and brief in its duration. A great judge lives in his recorded opinions; but a great lawyer, a brilliant advocate, lives only in memory and tradition, and soon becomes little more than a shining name.

It is to be regretted that Mr. Mason never occupied a high judicial position.[1] He had all the powers and accomplishments needed (378) for such a place; such as learning, powerful logic, patience, quickness, calm courage, a dignified presence, robust health and consequent capacity for labor. He could not have failed to make a great judge. Had he not been too old at the death of Chief Justice Marshall, there was no man in the country more worthy to succeed that illustrious magistrate.

Mr. Mason was a great lawyer, perhaps the greatest lawyer that ever practiced at the bar in New England. But when we call a man a great lawyer, we use language which has a certain degree of vagueness. Chief Justice Parsons, Judge Story, Mr. Webster, Chief Justice Shaw, Mr. Choate, were all great lawyers, but no two of them were alike. Each had powers and faculties peculiar to himself. It is with lawyers as with painters; Raphael, Titian, Correggio, Rembrandt, were great painters; but they differ widely in their characteristics, and no trained eye would ever mistake a work of one for that of another. For those who did not know Mr. Mason, we must analyze and discriminate. The question to be answered is, wherein did he differ from the other great lawyers who were his contemporaries, whether on the bench or at the bar.

Mr. Mason's superiority as a lawyer may be thus stated: that of all men who ever practiced law in New England, he was the most fully equipped with all the weapons of attack and defense needed in the trial of causes. It is but putting the same thing in another form to say that of all men who have even been at the bar in New England, he was the most formidable opponent. And of all lawyers, he was the most successful; that is, no other man ever tried so many cases and lost so few, in proportion to the whole number that he tried. There was nothing which a client ever wants a lawyer to do for him which Mr. Mason could not do as well as any, and better than most. No man could argue a legal question before a court with more learning and power. No man could try a cause with more tact, judgment, and skill. Though not eloquent, in the common acceptation of that term, no man could address a jury more persuasively and effectively. No man's opinions as chamber counsel, whether (379) oral or written, were more carefully considered or wiser. No man in all the departments of professional life ever made fewer mistakes.

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[1] It will be remembered that Mr. Mason declined the post of Chief Justice of the Superior Court of New Hampshire. See page 152. (Edition of 1873.)

And what were the causes of Mr. Mason's success as a lawyer? what were the elements of his superiority? what were the qualities which gave him such position and influence at the bar? These questions require answers somewhat in detail.

Of course, in the composition of a great lawyer, learning is an essential element. A man may be learned in the law and, yet from want of natural force, not be a great lawyer; but no man can be a great lawyer without learning. Mr. Mason's learning was confined to the common law. Though a mind like his was eminently fitted to grasp and apply the principles of equity jurisprudence, yet as he came late in life to the study of the subject, he never was a great equity lawyer; but within the range of the common law, his learning was profound, various, exact, and ready. His attainments seemed less than they were, because he never cared to make a display of them. He disdained a parade of cheap learning. He never incumbered his briefs with needless authorities. He took it for granted that the court he was addressing was not ignorant of the law. His arguments were remarkable for the skill and power with which the rules of law were applied to the case in hand. That the stream of legal learning had passed over his mind was shown by its general fertility in legal principles and analogies. Thus, the more learning a judge had, the more would he appreciate Mr. Mason's arguments.

And this affluent learning was accompanied by a power of reasoning in which few equalled and none surpassed him. He was so strong in argument and so clear in statement, his native legal instincts were so sound, that he would have been heard with respect even if his learning had been meagre. His language was plain but appropriate, and he never used a superfluous word.

Learning, logical power, and clearness of statement, will make a great lawyer, will secure to their possessor the confidence of his (380) clients and the ear of the court; but a man may have all these and yet be without skill in the trial of causes, and powerless before a jury. But here Mr. Mason was quite as strong as in the examination and discussion of purely legal questions, and this too without the accomplishment of brilliant eloquence. But then he had every quality needed in the trial of causes, eloquence alone excepted.

In the conduct of causes before a jury the most important element is judgment, that which is also the most important element in the conduct of life. Without judgment, learning is cold, the eloquence is a light which is quite as likely to lead astray as to lead aright. Causes are won not by brilliant strokes but by the continuous exercise of skill, tact, and discretion. Erskine, the most eminent of English advocates, and Choate,[1] the most eminent of American advocates, were quite as remarkable for judgment in the trial of

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[1] "Rufus Choate is the only advocate I ever heard who had the imperial power which would subdue an unwilling and hostile jury. His power over them seemed like the fascination of a bird for a snake. Of course, he couldn't do this with able judges, although all judges who listened to him would, I think, agree that he was as persuasive a reasoner as ever lived. But with inferior magistrates and juries, however determined the charmer, he was irresistible. There are very few important cases recorded that Choate lost. * * * Next to Webster himself, the foremost forensic orator of modern times, against whose imperial eloquence no human understanding, either on the bench or in the jury box, seemed to be proof. * * * No gambler ever hankered for the feverish delight of the gaming table as Choate did for the absorbing game, half chance, half skill, where twelve human dice must all turn up together one way, or there is no victory." — *Geo. F. Hoar's Autobiography of Seventy Years*, 230, 350 and 356.

Matt H. Carpenter, who read law with Choate, in drawing a comparison between Webster and Choate, says:— "Choate always stood in awe of Webster, and spent nights in preparation when about to contend with him at the bar. This I never could understand; as a mere lawyer, I think Choate as much the superior of Webster as Webster was the superior of lawyers generally. His knowledge of the law, his readiness in using all his resources, legal, literary, historical, or poetical, his power of advocacy, the magnetism of his presence and the absolute enchantment in which he wrapt both court and jury never was equalled in any other man, I believe." — *Jos. Neilson's Memoirs of Rufus Choate*, 295.

"Having been for more than twenty years his antagonist in forensic struggles, at least, I believe, as frequently as any other member of the Boston Bar, I may be competent to bear witness to his peculiar abilities, resources and manners in professional services. And having, in the varied experiences of nearly forty years, not infrequently encountered some of the giants of the law, whose lives and memories throughout the land — among whom I may include the honored cases as for powerful and captivating eloquence, and this was the preeminent quality of Scarlett, the most successful of English advocates, who won more verdicts in proportion to the cases he tried than even Erskine.

In this primal quality of judgment Mr. Mason had no superior. From the beginning of a case to the end he never made a mistake. He left nothing undone which should be done: he did nothing which should be left undone. He never asked an injudicious question; he never protracted the examination of a witness to a needless length, and yet he never failed to extract from him all that was pertinent to the matter in hand. And he was as vigilant as he was judicious. Under a manner calm and seemingly impassive, he was all eye and all ear. Every expression of a witness's face, every tone of his voice, was carefully noted. And the impression made by the events of the trial, both upon the court and the jury, was also sedulously watched.

His addresses to the jury always commanded their strict attention, from their strength, clearness, and point. He understood the common mind, and knew how to hit it between wind and water. His reasoning was close yet easily followed; he presented his facts (381) with great skill; his language was plain, but with a certain idiomatic point and flavor well suited for popular effect. He never wearied his compulsory audience by talking too long; and his easy conversational tone established at once agreeable relations between him and them. And he had from nature a gift which did him good service on such occasions, and this was his keen perception of the ludicrous and his quiet vein of sarcasm. This power was always under the control of sound judgment and good taste, but it gave a peculiar seasoning to his arguments and helped to fix the attention of the jury. They expected these little touches of humor to come

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names of Prescott, Mason, Hubbard, Webster, Dexter, and others among the dead, and those others yet with us, to share in the sorrows of this hour — I do no injustice to the living or the dead in saying that, for the peculiar powers desirable for a lawyer and advocate, for combination of accurate memory, logical acumen, vivid imagination, profound learning in the law, exuberance of literary knowledge, and command of language, united with strategic skill, I should place him at the head of all whom I have ever seen in the management of a cause at the bar." — *Chas. G. Loring, at Memorial Meeting of the Boston Bar.*

in occasionally, and did not permit their thoughts to stray, lest perchance they might lose some of them.[1]

He never approached the trial of a case, however unimportant, without the most careful preparation. He never put a witness on the stand whom he had not thoroughly examined beforehand. Thus he was rarely taken by surprise, or had occasion to change front in the face of his enemy. And all his intellectual powers had the support of a calm and even temperament. Nothing ruffled or discomposed him; he never lost his temper or his self-possession, and no one could have judged from his face and manner whether the current of the case was setting against him or for him.

As an illustration of Mr. Mason's readiness and quickness in the trial of causes, I may mention here a little incident told me by the gentleman who was acting as his junior at the time. In the course of the examination of an important witness before a Boston jury, a question was asked by the presiding judge. Mr. Mason instantly rose, and, after checking the witness, said to the court: "May it (382) please your Honor, I should like to inquire on whose side you asked that question. If it is on our side we do not want it put, and if it is on the other side, the answer would not be legal evidence."

Of all Mr. Mason's professional accomplishments, the popular mind was most impressed with his skill in cross-examination of witnesses.[a] Most of the traditional stories current about him turn upon his triumphs in this department, wherein he undoubtedly never had an equal in the annals of the New England bar. One of those current in my young days was about his unfrocking and demolishing a man who, to give more effect to his false testimony, had arrayed himself for the nonce in the garb of a Quaker. It was long remembered in the region where it happened as an exciting and amusing scene; amusing, at least, to every one but the victim.

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[1] "I well recollect a description Mr. Webster once gave me of a change which he said he deliberately made in his own style of speaking and writing. He observed that before he went to Portsmouth his style was florid, — he even used the word 'vicious,' — and that he was apt to make longer sentences, and use larger words, than was needful. He soon began, however, to notice that Mr. Mason was, as he expressed it, 'a cause-getting man.' 'He had a habit,' said Mr. Webster, 'of standing quite near to the jury, so that he might have laid his finger on the foreman's nose; and then he talked to them in a plain conversational way, in short sentences, and using no word that was not level to the comprehension of the least educated man on the panel. This led me to examine my own style, and I set about reforming it altogether.' " — *Curtis's Life of Webster*, vol. i, p. 90. .

[a] In the Life and Letters of George Ticknor, Vol. 1, pp. 122-3, Mr. T. says in

Mr. Mason's method in cross-examination was peculiar. Inferior artists in this department are apt to approach their opponent's witness in a way which alarms him if he be timid, and provokes him if he be bold. The first questions are a sort of declaration of war. The cross-examination then becomes a keen encounter of wits if the witness be resolute and self-possessed, from which, however much the spectators may be amused, the client's cause gains but little. If, on the other hand, the witness be dull and with no skill in verbal fence, the instincts of self-preservation will prompt him to take refuge in silence, and say as little as he can.

Mr. Mason began in a different fashion, when it was his cue to break down a witness by cross-examination. He did not frighten or bully him. His first questions were put in a tone and manner which lulled his apprehensions and threw him off his guard. They were

a letter from Frankfort, Germany, Mar. 29, 1817: "Baron Gagern, the Minister of the King of Holland for Luxembourg, reminded me of Jeremiah Mason, for the moment I entered the room he came up to me and began to question me about my country, its great men, etc., like a witness on the stand, till I began to feel almost uncomfortable at this kind of interlocutory thumb-screwing; but when he had learned all he wanted to — and his questions were very shrewd, and showed he knew what he was about — I found him an extremely pleasant, instructive man, etc."

In a note to the same work, the editor, Mr. Ticknor, says: "On a visit to Portsmouth, N. H. (This was before Mr. Ticknor's visit to Europe, when twenty-six years of age), I carried a letter of introduction to Mr. Jeremiah Mason, a distinguished lawyer of that city, and was invited to tea. Mr. Mason asked me endless questions, and I grew so tired and vexed, that I left the house, I said to myself that I never would pass through that man's door again. The next day I met Mr. Mason at dinner at Mr. Webster's, when the style of address was quite changed, and I never after regretted knowing Mr. Mason."

During Mr. Ticknor's absence in Europe, his journal was for a time in the hands of his friend, Mr. N. A. Haven, of Portsmouth. Mr. Mason insisted on seeing it. The passage above, comparing Baron Gagern to Mr. Mason in his style of questioning, met his eye. Years afterward, when acquaintance had grown into friendship, Mr. Mason mentioned that he had read that passage, which drew forth a confession about the first call, and Mr. Mason replied that he always questioned young men so.

generally such as a witness would readily answer, being seemingly remote from the matter in hand. Easy relations would thus be established between the questioner and the respondent, and the latter would perhaps felicitate himself in being so gently dealt with by one who had the reputation of being so searching and formidable in cross-examination; gradually the inquiries became more convergent and consecutive; the folds began to tighten, and soonor or later a (383) point was reached when the witness supposing him always not to be speaking the truth, would pause in embarrassment and reflect whether he were telling a consistent story, and this, if continued, would be fatal to him.

Of course, such a process would be of no avail, and even injudicious, in the case of an honest witness. Mr. Mason had too much good sense and too much experience not to know that in nine cases out of ten the attempt to break down a witness who is telling the truth, though in a clumsy way, only recoils on the head of him who makes it. But his knowledge of men was so great, his penetration so keen, his power of interpreting the signs of thoughts so remarkable, that he rarely or never made a mistake as to a witness's purpose and intent.

I am indebted to my friend Mr. John J. Clarke, of the Boston bar, for an interesting incident in Mr. Mason's professional life, especially illustrating his peculiar power in the cross-examination of witnesses. Soon after his removal to Boston, he was retained as senior counsel by Mr. Clarke, in the trial of an appeal from a decree of the judge of probate for the County of Middlesex, sustaining the will of a man who had recently died in one of the towns in that county. The issue raised by the appeal was upon the sanity of the testator at the time of the execution of the will. It presented a nice question for the consideration of the jury, for he had died of delirium tremens, and the will was executed not long before his death; and though there were some periods during the last days of his life when he was hardly of disposing mind and memory, yet there were unquestionably others when he was entirely competent to make a will, and the point to be determined was as to his sanity at the time the will was executed.

Mr. Justice Wilde presided at the trial, which lasted three days.

It excited much interest, and the court-room was crowded with spectators from first to last. The leading counsel for the heirs at law, who sought to impeach the will, was Mr. Hoar,[a] of Concord, whose power over a Middlesex jury, as was well known, was so (384) great as to give to every cause in which he was retained a decided vantage-ground at the start.

The principal witness in support of the will was a woman who acted as nurse to the deceased in his last illness. She was an intelligent person, and Mr. Mason believed if she made her statements on the stand, under oath, as clearly and strongly as she had when questioned by counsel in their preparation of the case, that her testimony would be well nigh conclusive.

The principal witness against the will was an acquaintance, and occasionally a boon companion, of the testator. Mr. Clarke had reason to believe that he was prepared to swear falsely, and that he could be broken down by such a cross-examination as Mr. Mason was able to administer, and this was one of the reasons which determined him in the choice of a senior counsel. The case was opened on behalf of the heirs at law, as they had taken the appeal. Two or three of their witnesses, not being of any great importance, were cross-examined by Mr. Clarke. But when the principal witness above mentioned was put upon the stand, Mr. Clarke whispered to Mr. Mason, and said that he should devolve upon him the cross-examination of this witness.

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[a] "E. Rockwood Hoar, when a supreme judge of Massachusetts, was appointed Attorney-General of the United States, by Grant. He sprang from the 'oldest and purest English New England stock.' Impressing his Massachusetts companions as 'a typical New Englander, essentially Puritan,' he seemed to one apart from that community a man of broad intelligence and sympathy. It was 'a sense of humor and spirit of kindliness' that made him a citizen of the world and demonstrated to the guest of his home in Concord that 'the noble frugality and quiet dignity' of his little town might cradle the wildest views of life. In Washington during his term of office his manners were thought brusque, but in Concord they were always marked by gentle considerateness. 'Emerson loved him' and Lowell, in a private letter to Nordhoff, paid him this tribute: 'You cannot set too high a value on the *character* of Judge Hoar. The extraordinary quickness and acuteness, the *flash* of his mind (which I never saw matched, but in Dr. Holmes) have dazzled and bewildered some people so that they were blind to his solid qualities. Moreover, you know there are people who are *afraid* of wit and cannot see wisdom unless in the deliberate movement of thought whose every step they can accompany. I have known Mr. Hoar for more than thirty years, intimately for twenty, and it is the solidity of the man, his courage and his integrity that I value most highly.' J. D. Cox, whose association with him in the Cabinet was the beginning of a life-long friendship, wrote that 'a heartier accord with all that is right and true, a warmer sympathy with whatever makes for progress and tends to level men upward, was never seen.' "—6 *Jas. Ford Rhodes' United States History*, 239-40.

E. Rockwood Hoar (1816-1895), Massachusetts, was a Representative in Congress; a graduate of Harvard; State Senator of Massachusetts; six years Judge of Common Pleas Court; ten years Judge of Massachusetts Supreme Court; and a member of the Overseers of Harvard College, fourteen years (1868-82).

When the direct examination, which made a favorable impression, had been concluded, Mr. Mason asked permission for a brief conference with his junior. Turning to Mr. Clarke, he said, "Is the nurse in court?" Mr. Clarke replied that she was. "Where is she?" rejoined Mr. Mason; "point her out to me." Mr. Clarke pointed her out accordingly, in a distant part of the court-house. "Go to her," continued Mr. Mason, "and see if she is ready to swear to all that she has told you." Mr. Clarke, reluctant to draw upon himself the gaze of the whole court-house by so novel a procedure, made some objection, but Mr. Mason said very decidely, "Do as I desire you, and leave the responsibility with me." Mr. Clarke accordingly made his way with some difficulty through the throng, spoke with the witness a few moments, and came back and reported to his senior that all was right. (385)

Mr. Mason then began his cross-examination. In an easy, conversational, and seemingly friendly tone he asked a number of questions which had little to do with the case, with a view to disarm the witness's suspicions, and put him off his guard. To this end, also, he occasionally interspersed a remark or two commendatory of the witness's manner and readiness in replying. This continued for a brief season, when Mr. Hoar objected to the cross-examination as irrelevant, but the judge allowed it to go on. A few moments later, the objection was renewed, and again overruled. After a short interval Mr. Hoar arose, and with great earnestness and emphasis appealed to the court for the third time, protested against a course of examination which was wasting the time of the court in inquiries which had nothing to do with the matter in hand, and insisted that Mr. Mason should state the purpose for which his questions were asked. Judge Wilde replied that it was not usual to restrict a lawyer of Mr. Mason's experience in the cross-examination of a witness; that to state the purpose for which a question was asked would often defeat such purpose, and that all that could be asked of Mr. Mason was to say that he had an object in his inquiries. Mr. Mason then rose, and said that, upon his honor, every question he had put was put with a purpose, and that this purpose would be revealed in due season.

After this no further interruption took place, and the cross-examination went on some time longer, and had apparently been brought to a close, and the witness had begun to congratulate himself that his fiery ordeal had been passed without harm. After a moment's pause, Mr. Mason rose, and slowly approaching him, said, "Mr. Witness, I am much obliged to you for the frankness and fullness with which you have answered my questions, and I have only one more to ask, and will then dismiss you." He then put to him a question, to which the whole previous examination had been introductory, and which was so adroitly framed that he could not answer it in any way without contradicting some important statement previously made. The witness saw at once the trap into which he had fallen, (386) and was silent. He trembled, turned deadly pale, his knees shook, and he seemed ready to faint. Mr. Mason asked him if he had understood the question. Still no reply, and after a long pause, during which there was the silence of death through the court-house, Mr. Mason said, "You may step down, sir." It is needless to add that this scene not only destroyed the value of his testimony, but essentially damaged the appellant's case. The result of the trial was a verdict in favor of the will.

The incident made an impression upon Mr. Clarke which the lapse of forty years has not effaced, and he has told me that in the whole course of his professional life he had seen no parallel to the skill and power displayed by Mr. Mason on this occasion.

Some lawyers, especially if young and fond of popular applause, are apt to make the trial of a cause a sort of dramatic entertainment, for the benefit of the bystanders, and their own honor and glory. There is a temptation to do this because there is some resemblance between the course of an exciting trial and that of a play, and incidents occur in courts of justice which recall the unexpected turns and surprises of the stage. But in proportion as the advocate yields to this temptation does he endanger the cause of his client. Mr. Mason was never for a moment drawn aside from the straight path of professional duty by the force of this attraction. He had no other object in view than to gain a verdict. He took cognizance of none but the judge and the jury. The bystanders were no more to him than if they had been so many wooden images. He never asked a question or made a remark that was prompted by their presence. To the judgment they might form of his conduct of a case his indifference was supreme.

I once asked an eminent member of the bar, still living, who in his early practice had had frequent professional relations with Mr. Mason, wherein he excelled the other distinguished lawyers he had known. He replied, that in addition to learning, general force of mind, and extraordinary power in cross examination, Mr. Mason surpassed all men he had ever consulted in the instinctive readiness (387) with which he would point out the rules and principles of law applicable to a given statement of facts. When a case was submitted to him, he would require the facts and circumstances to be fully communicated, asking many questions to this end, and then, instantly, would indicate the path of inquiry in which the law governing the question was to be sought. My informant added that he had sometimes been to him with a case on which he had read and thought for three or four days without coming to any definite conclusion. and that Mr. Mason, in a few words would furnish the key he had been seeking, and as with a lightning flash disperse the darkness in which he had been groping.

Though Mr. Mason's time and powers were almost wholly given to the study and practice of the law, his mind had too much original force to be dwarfed or cramped thereby. There was nothing in him of professional pedantry or professional narrowness. He had read a good deal among the best writers in English literature, and had wasted no time upon worthless books. With the history, especially the political history, of his own country, he was very familiar.

Every mind has its own laws and conditions of growth. Some find appropriate food in the study of books, others in the observation of life and the study of men. Mr. Mason's was of the latter class. He preferred what Bacon calls discourse to studies. He had not his friend Chief Justice Parsons' omnivorous passion for books. In his leisure hours he preferred to talk with a friend to shutting himself up in his study to converse with an author. He was given to the asking of questions, as has before been said, and there is in one of Bacon's Essays a passage on this habit which fits Mr. Mason as much as if it had been written for him: "He that questioneth much shall learn much, and content much, but especially if he apply his questions to the skill of the persons whom he asketh, for he shall give them occasion to please themselves in speaking, and himself shall continually gather knowledge." As I recall Mr. Mason, he seemed to me the wisest man I have ever personally known; that is, whose judgment was the most sound, whose (388) sagacity was the most unerring, whose inferences from facts and events were the most correct.

Though Mr. Mason was by natural endowments admirably fitted for the law, I do not think he would have missed his vocation had he been trained to some other calling. Had he been a merchant or a manufacturer, there can be no doubt that he would have been successful and prosperous. What Livy says of the elder Cato, is exactly applicable to him: *"In hoc viro tanta vis animi igeniique fuit, ut quocunque loco natus esset, fortunam ipse facturus fuisse videretur."* (In this man so great was the strength of mind and genius as that in whatsoever place he had been born, he would have been seen to have made his fortune.)

It is hardly necessary to say that in politics Mr. Mason was a Federalist of the straightest sect; that is, he held all the faith and creed of the Federal party, without reserve or qualification. But being a wise man, and a man of calm temperament, he never went to extremes, whether in opinion or conduct. During the war of 1812, his course was entirely patriotic. He never gave his hand to the violent expressions and unwise steps into which some good men of the Federal party were hurried by the warmth of opposition. He would, for instance, assuredly have advised against the Hartford Convention, had he been consulted upon the subject.

In all free countries there are two natural parties,—the party of progress and the party of stability; and the history of every free country is a record of the struggle between these two parties. Mr. Mason belonged to the latter of these parties. By nature and by education alike he was a conservative. Any where, and under any conditions, he would have been such. In England he would have been a strong but not a bigoted tory. By his natural instincts he was averse to innovation, and inclined to walk in the old ways. He had little confidence in popular judgments, whether upon political or general questions; and, as will have been seen, was inclined to take rather desponding views on public affairs. He certainly did not believe that there was to be found in universal suffrage a solution of all political problems and a cure for all political diseases. His political convictions were modified and colored by his professional (389) experiences. His immense practice brought him into constant contact with the weak side of human nature, with its errors of judgment, its infirmities, its mistakes, its want of moral resolution; and he could not believe that wisdom would be evolved from an aggregation of men, most of whom were not wise, or virtue from an aggregation of men many of whom were not good. Like all the able and excellent men who belonged to the old Federal party, his object was to strengthen the hands of the general government, to uphold the Supreme Court of the United States and the judiciary generally, to guard rights and property against popular violence, and to teach, directly and indirectly, a respect for law. And in common with the leaders of the Federal party, he could not forsee the unexampled material prosperity of the country, and the conservative influence of such prosperity.

Mr. Mason was, all his life, a man of decided religious convictions. Trained in the faith of the early fathers of New England, neither the growth of his mind nor his observation of humanity led him, in his mature years, to depart therefrom. His whole intellectual being rested upon a strong conviction of the supremacy of law, and that every violation of law involved a corresponding penalty; and the leading articles of the creed in which he was reared, the fall of man, the divinity of Christ, and the atonement, being in harmony with his views of the attributes and providence of God and the nature of man, solved for him the moral problems of life. After his removal to Portsmouth he worshipped with his family in the Episcopal church of that town, preferring its liturgy and service to the Congregational form. In his prime of life, as happens with most men who are deeply engaged in secular affairs, he gave less thought than he afterwards did to religious subjects, or the contemplation of a world beyond the grave,[1] but with the lengthening shadows of his decline these great questions dwelt more in his mind, and he came to think, read, and speak of them habitually. After his removal to Boston, he became a member of St. Paul's (390) Church, under the charge of the Rev. Dr. Stone, for whom he had a high regard, both as a pastor and a man.[2] The deep and abiding sorrow caused by the death of two amiable and promising sons, had also its natural effect in weaning his thoughts from earth, and turning them toward the heaven to which these treasures of his heart had been removed. The last years of his life were marked by more frequent expressions of religious feeling, and by a mixture of gravity and tenderness in his manner which was the result of meditation on the great themes of life, death, and immortality.

In illustration of Mr. Mason's religious feeling, at the time when he was most actively engaged in the business of life, I quote an extract from a memoir of him, prepared by his friend Mr. Ebenezer Wheelwright, who for many years had peculiar opportunities for observing his traits of mind and character, before his removal from Portsmouth..

"In the year 1831, February 12, there was an annular eclipse of the sun; and the agencies of science were in motion to make observations and report its astronomical relations. The day was very beautiful, and no cloud was seen in the sky. As the eclipse advanced the writer joined Mr. Mason, at the terminus of the beautiful street that led up to his mansion. It had been planted with a long row of sycamores, which had now attained their growth, and both in winter and summer were finely ornamental. The shadow was deepening every moment, until the whole surface of the sun, except the circular thread of light, was obscured, as we slowly walked along. Mr. Mason remarked, as far as the writer's memory serves, as follows:—

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[1] See the correspondence between him and Dr. Appleton in Chapter VI.

[2] See in the Appendix a letter from Dr. Stone upon Mr. Mason's religious character in declining life.

" 'A scene like this is always appalling: I wonder not that savage nations were terrified by such manifestations of the Deity. The intuitive idea of God is thus magnified into a visible certainty, and though we know the laws of the solar system, yet we cannot escape from the conviction, that these are the workings of (391) the Divine power. We lose sight of the law in the presence of the Lawgiver. The solemnity of the scene puts a limit to our curiosity, and instead of conducting the investigations of science, I would rather stand still and adore.' The conversation then turned to the supernatural darkness of the crucifixion, which men of infidel minds deemed incredible and asburd. It was evident that a deep religious awe pervaded his mind and that his faith in the Gospel record was not staggered by astonishing narrative, for it was a fitting accompaniment of the awful deed, and a manifestation of God's displeasure which none of the multitude who witnessed it, had ever denied."

My task is now closed. In looking over what I have written I feel conscious that I have exposed myself to a criticism which I will answer by anticipation. It is now nearly a quarter of a century since Mr. Mason died. His contemporaries have all passed away, and of those who personally knew him, and thus are qualified to judge of the correctness of my sketch, the number is rapidly diminishing. He wrote no books, and so does not enjoy the fame that is won by successful authorship. He was never a judge, and thus his name is not preserved in his opinions, like those of Marshall and Shaw. Among the younger members of the profession of the law he is becoming merely a name and a tradition. I am aware that by some of these last it may be said that, after the usual manner of biographers, I have magnified the claims and merits of my subject. They may ask for more definite and sustantial proof of the greatness of Mr. Mason than any I have been able to present. To such objections I have only to say that my estimate of Mr. Mason has been carefully and advisedly formed. For many years I knew him well; perhaps as well as a young man can know an old man who was never approached without great respect, almost reverence. I have known also many of the eminent lawyers and statesmen of New England, and have only to say that my early impression of Mr. Mason's powers has been confirmed by time, and strengthened by my observation of others. And furthermore, I (392) speak confidently and from knowledge when I add that the high place I have assigned to him as a man and a lawyer would, were they alive, be emphatically and unhesitatingly confirmed by Judge Story, Mr. Webster, and Mr. Ticknor.

So far as Mr. Webster is concerned, the above statement is not matter of inference merely. He thus records, twenty years before Mr. Mason's death, in his Autobiography, his impressions of his friend's powers.

"I lived in Portsmouth nine years, wanting one month. They were very happy years. Circumstances favored me at my first beginning there. Owing to several occurrences, there happened to be an unfilled place among leading counsel at that bar. I did not fill it, but I succeeded to it. It so happened, and so has happened, that with the exception of instances in which I have been associated with the Attorney General of the United States, for the time being, I have hardly ten times in my life acted as junior counsel. Once or twice with Mr. Mason, once or twice with Mr. Prescott, once with Mr. Hopkinson, are all the cases which occur to me.

"Indeed, for the nine years I lived in Portsmouth, Mr. Mason and myself, in the counties where we both practiced, were on opposite sides, pretty much as a matter of course. He has been of infinite advantage to me not only by his unvarying friendship, but by the many good lessons he has taught, and the example he set me, in the commencement of my career. If there be in the country a stronger intellect; if there be a mind of more native resources; if there be a vision that sees quicker, or sees deeper into whatever is intricate, or whatsoever is profound, I must confess I have not known it. I have not written this paragraph without considering what it implies. I look to that individual who, if it belong to anybody, is entitled to be an exception.[1] But I deliberately let the judgment stand. That that individual has much more habit of regular composition, that he has been disciplined and exercised in a vastly superior school, that he possesses even a faculty of illustration (393) more various and more easy, I think may be admitted. That the original reach of his mind is greater, that its grasp is stronger, that its logic is closer, I do not allow."[1]

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[1] This was Chief Justice Marshall.

That this high estimate was never changed, appears from the sketch of Mr. Mason's life and character contained in Mr. Webster's address to the Supreme Court of Massachusetts, on behalf of the bar of Suffolk, after his friend's death; which will be found in the Appendix.

The fame which Mr. Mason enjoys is not proportioned to the intellectual superiority accorded to him by his contemporaries. But this is no uncommon lot. Fame, like fortune, distributes her favors with a capricious hand. Unhappy is he who makes the pursuit of fame the object of his life, and feels that his life is a failure if he do not secure it! Mr. Mason's descendants must console themselves with the sentiment expressed in the beautiful language of Milton:—

> "Fame is no plant that grows on mortal soil,
> Nor in the glistering foil,
> Set off to the world, nor in broad rumor lies,
> But lives and spreads aloft by those pure eyes,
> And perfect witness of all-judging Jove,
> As he pronounces lastly on each deed.
> Of so much fame in Heaven expect thy meed."

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[1] Curtis's *Life of Webster*, vol. i. p. 89.

APPENDIX.

APPENDIX.

A.

PROCEEDINGS IN MASSACHUSETTS AND NEW HAMPSHIRE, ON THE DEATH OF THE HON. JEREMIAH MASON.

MR. MASON'S DEATH.

At a meeting of the Bar of the County of Suffolk, held October 17, 1848, in the Law Library, the Hon. Richard Fletcher was appointed Chairman, and Mr. George T. Curtis, Secretary.

The Chairman having stated that the meeting had been called to take some notice of the decease of the Hon. Jeremiah Mason,— Mr. Choate rose, and spoke nearly as follows:—

I have supposed, sir, as you have done, that it would be the desire of the Bar of Suffolk to mark the event which has led to the call of this meeting, by something more than the accustomed and formal expression of sensibility and regret for the loss of one of its number.

Mr. Mason was so extraordinary a person; his powers of mind were not only so vast, but so peculiar; his character and influence were so weighty, as well as good; he filled for so many years so conspicuous a place in the profession of the law, in public life, and in intercourse with those who gave immediate direction to public affairs,—that it appears, most fit, if it were practicable, that we should attempt to record, somewhat permanently and completely, our appreciation of him, and to convey it to others, who knew him less perfectly and less recently than ourselves. It seems to me, that one of the very few greatest men whom this country has produced; a statesman among the foremost in a Senate, of which King, and Giles, and Gore, in the fullness of their strength and fame, were members; a jurist who would have (397) filled the seat of Marshall as Marshall filled it; of whom it may be said, that, without ever holding judicial station, he was the author and finisher of the jurisprudence of a State; one whose intellect, wisdom, and uprightness gave him a control over the opinions of all the circles in which he lived and acted, of which we shall scarcely see another example, and for which this generation and the country are the better to-day:—such seems to me to have been the man who has just gone down to a timely grave. I rejoice to know, that the eighty-first year of his life found his marvelous faculties wholly unimpaired.

"No pale gradations quenched that ray."

Down to the hour when the apoplectic shock, his first sickness, struck him, as it might seem, in a moment, from among the living, he was ever his great and former self.

He is dead; and although, here and there, a kindred mind — here and there, rarer still, a coeval mind — survives, he has left no one, beyond his immediate blood and race, who in the least degree resembles him.

Under the influence of these opinions and wishes the resolutions which I hold in my hand have been prepared, chiefly by others; and I have been requested to offer them to the acceptance of the Bar.

Mr. Choate then moved the following resolutions, which were unanimously adopted:—

Resolved, That the members of this Bar have heard with profound emotion of the decease of the Honorable Jeremiah Mason, one of the most eminent and distinguished of the great men who have ever adorned this profession; and, as well in discharge of a public duty, as in obedience to the dictates of our own private feelings, we think it proper to mark this occasion by some attempt to record our estimate of his pre-eminent abilities and high character.

Resolved, That the public character and services of Mr. Mason demand prominent commemoration; that throughout his long life, whether as a private person or in public place, he maintained a wide and various intercourse with public men, and cherished a constant and deep interest in public affairs, and by his vast practical wisdom and sagacity, the fruit of extraordinary intellectual endowments, matured thought, and profound observation, and by the soundness of his opinions and the comprehensiveness and elevated tone of his politics, he exerted at all times a great and most salutary influence upon the sentiments and policy of the community and the country; and that, as a Senator in the Congress of the United States during a period of many years, and in a crisis of affairs which demanded the wisdom of the wisest, and the civil virtues of the best, he was distinguished among the most eminent (398) men of his country for ability in debate, for attention to all the duties of his great trust, for moderation, for prudence, for fidelity to the obligations of that party connection to which he was attached, for fidelity still more conspicuous and still more admirable to the higher obligations of a thoughtful and enlarged patriotism.

Resolved, That it was the privilege of Mr. Mason to come to the Bar, when the jurisprudence of New England was yet in its infancy; that he brought to its cultivation great general ability, and a practical sagacity, logical power, and patient research, — constituting altogether a legal genius, rarely if ever surpassed; that it was greatly through his influence that the growing wants of a prosperous State were met and satisfied by a system of Common Law at once flexible and certain, deduced by the highest human wisdom from the actual wants of the community, logically correct, and practically useful; that in the fact that the State of New Hampshire now possesses such a system of law, whose glad-some light has shone on other States, is seen both the product and the monument of his labors, less conspicuous, but not less real than if embodied in codes and institutes bearing his name;—yet that, bred as he was to the Common Law, his great powers, opened and liberalized by its study and practice, enabled him to grasp readily, and wield with entire ease, those systems of Equity, applicable to the transactions of the land or the sea, which in recent times, have so much meliorated and improved the administration of justice in our country.

Resolved, That, as respects his practice as a Counsellor and Advocate at this Bar, we would record our sense of his integrity, prudence, fidelity, depth of learning, knowledge of men and affairs, and great powers of persuading kindred minds; and we know well, that, when *he* died, there was extinguished one of the few great lights of the old Common Law.

Resolved, That Mr. Webster be requested to present these resolutions to the Supreme Judicial Court, at its next term in Boston; and the District Attorney of the United States be requested to present them to the Circuit Court of the United States now in session.

Resolved, That the Secretary communicate to the family of Mr. Mason a copy of these resolutions, together with the respectful sympathy of the Bar.

In the Supreme Judicial Court of Massachusetts, on Tuesday, November 14, 1848, the Court having been opened in form at nine o'clock, A. M., and prayer having been offered, Mr. Webster rose and said:—

May it please your Honors: Jeremiah Mason, one of the Counsellors of this Court, departed this life on the 14th of October, at his residence in this city. The death of one of its members, so highly respected, so much admired and venerated, could not fail to produce a striking impression upon the members of this Bar; and a (399) meeting was immediately called, at which a member of this Court, just on the eve of leaving the practice of his profession for a seat on the Bench, presided; and resolutions expressive of the sense entertained by the Bar of the high character of the deceased, and of sincere condolence with those whom his loss touched more nearly, were moved by one of his distinguished brethren, and adopted with entire unanimity. My brethren have appointed me to the honorable duty of presenting these resolutions to this Court; and it is in discharge of that duty that I rise to address you, and pray that the resolutions which I hold in my hand may be read by the Clerk.

The Clerk of the Court then read the resolutions, when Mr. Webster rose, and continued:—

The proprieties of this occasion compel me, with whatever reluctance, to refrain from the indulgence of the personal feelings which arise in my heart upon the death of one, with whom I have cultivated a sincere, affectionate, and unbroken friendship, from the day when I commenced my own profesional career, to the closing hour of his life. I will not say, of the advantages which I have derived from his intercourse and conversation, all that Mr. Fox said of Edmund Burke; but I am bound to say, that of my own professional discipline and attainments, whatever they may be, I owe much to that close attention to the discharge of my duties which I was compelled to pay, for nine successive years from day to day, by Mr. Mason's efforts and arguments at the same Bar. *Fas est ab hoste doceri*[a]; and I must have been unintelligent, indeed, not to have learned something from the constant displays of that power which I had so much occasion to see and to feel.

It is the more appropriate duty of the present moment to give some short notice of the life, character, and qualities of his mind and heart, so that he may be presented as an example to those who are entering upon or pursuing the same career. Four or five years ago, Mr. Mason drew up a biography of himself, from the earliest period of his recollection to the time of his removal to Portsmouth, in 1797; which is interesting, not only for the information it

[a] It is hard to be taught by an enemy.

gives of the mode in which the habits of his life were formed, but also for the manner of its composition.

He was born on the 27th day of April, 1768, at Lebanon in Connecticut. His remotest ancestor in this country was Capt. John Mason (an officer who had served with distinction in the Netherlands, under Sir Thomas Fairfax), who came from England in 1630, and settled at Dorchester in the colony of Massachusetts. His great grandfather lived at Haddam. His grandfather, born in 1705, lived at Norwich, and died in the year 1779. Mr. Mason remembered him, and recollected his character, as that of a respectable and deeply religious man. His ancestor on the maternal side was James Fitch, a learned divine, who came from England and settled in Saybrook, but removed to Lebanon, where he died. A Latin epitaph, in the ancient burying-ground of that town, records his merits. One of his descendants (400) held a large of land in the parish of Goshen, in the town of Lebanon, by grant from the Indians; one of half of which, near a century afterwards, was bequeathed to his daughter, Elizabeth Fitch, the mother of Mr. Mason. To this property Mr. Mason's father removed soon after his marriage, and there he died in 1813. The title of this land was obtained from Uncas, an Indian sachem in that neighborhood, by the great grandfather of Mr. Mason's mother, and has never been alienated out of the family. It is now owned by Mr. Mason's nephew, Jeremiah Mason, the son of his eldest brother James. The family has been distinguished for longevity, the average ages of Mr. Mason's six immediate ancestors having exceeded eighty-three years each. Mr. Mason was the sixth of nine children, all of whom are now dead.

Mr. Mason's father was a man of intelligence and activity, of considerable opulence, and highly esteemed by the community. At the commencement of the Revolutionary War, being a zealous Whig, he raised and commanded a company of minute-men, as they were called, and marched to the siege of Boston. Here he rendered important service, being stationed at Dorchester Heights, and engaged in fortifying that position. In the autumn of that year, he was promoted to a colonelcy, and joined the army with his regiment, in the neighborhood of New York. At the end of the campaign, he returned home sick, but retained the command of his regiment, which he rallied and brought out with celerity and spirit when General Arnold assaulted and burned New London. He became attached to military life, and regretted that he had not at an early day entered the Continental service. Colonel Mason was a good man, affectionate to his family, kind and obliging to his neighbors, and faithful in the observance of all moral and religious duties.

Mr. Mason's mother was distinguished for a good understanding, much discretion, the purity of her heart and affections, and the exemplary kindness and benevolence of her life. It was her great anxiety to give all her children the best education, within the means of the family, which the state of the country would allow; and she was particularly desirous that Jeremiah should be sent to college. "In my recollection of my mother," says Mr. Mason, "she was the personification of love, kindness, and benevolence."

Destined for an education and for professional life, Mr. Mason was sent to Yale College, at sixteen years of age; his preparatory studies having been pursued under "Master Tisdale," who had then been forty years at the head of a school in Lebanon, which had become distinguished, and among the scholars of which were the Wheelocks, afterwards presidents of Dartmouth College. He was graduated in 1784, and performed a part in the Commencement exercises, which greatly raised the expectation of his friends, and gratified and animated his love for distinction. "In the course of a long and active life," says he, "I recollect no occasion when I have experienced such elevation of feeling." This was the effect of that spirit of emulation which incited the whole course of his life of usefulness. There is now prevalent among us a morbid and sickly notion, that emulation, even as honorable rivalry, is a (401) debasing passion, and not to be encouraged. It supposes that the mind should be left without such excitement, in a dreamy and undisturbed state, flowing or not flowing, according to its own impulse, without such aids as are furnished by the rivalry of one with another. For one, I do not believe in this. I hold to the doctrine of the old school, as to this part of education. Quintilian says: "*Sunt quidam, nisi institeris remissi: quidam imperio indignantur; quosdam continet metus, quosdam debilitat: alios continuatio extundit, in aliis plus impetus facit. Mihi ille detur puer, quem laus excitet, quem gloria juvet, qui victus fleat; hic erit alendus ambitu, hunc mordebit objurgatio, hunc honor excitabit; in hoc desidiam nunquam verebor.*"

(Some (people) are mild and relaxed, unless trained and disciplined: some are impatient and restive under the restraints of authority: some are controlled by the influence of fear, while it weakens and disheartens others: some yield to persuasion, while the exercise of force is required in the case of others. Give me the young man, who responds to the stimulus of praise, who glories in achievement, and is cast down by defeat; such a youth will be influenced by ambition, and the claims of duty and honor; but will never become the victim of sloth and idleness.) I think this sound sense and just feeling.

Mr. Mason was destined for the law, and commenced the study of that profession with Mr. Baldwin,[a]—a gentleman who has lived to perform important public and private duties; has served his country in Congress, and on the bench of the Supreme Court of Connecticut; and still lives to hear the account of the

[a] Simeon Baldwin, (1761—1851.) Born in Norwich, Conn., December 14, 1761; was graduated from Yale college in 1781; studied law, was admitted to the bar in 1786, and practiced in New Haven, Conn.; elected as a Federalist to the Eighth Congress (Mar. 4, 1803—Mar. 3, 1805); associate judge of the Supreme Court of Errors 1806—1817; president of the board of commissioners that located the Farmington canal in 1822; mayor of New Haven in 1826; died in New Haven, Conn., May 26, 1851. Simeon E. Baldwin, (1840—), the eminent lawyer and judge, chief justice of the Supreme Court of Errors, Conn., in 1907, a member of the International Law Association (1899-1901,) is a grandson, and is now living in New Haven, Conn.

peaceful death of his distinguished pupil. After a year, he went to Vermont, in whose recently established tribunals he expected to find a new sphere for the gratification of ambition and the enjoyment of talents. He studied in the office of Stephen Row Bradley, afterwards a Senator in Congress; and was admitted to the Bar, in Vermont and New Hampshire, in the year 1791.

He began his career in Westmoreland, a few miles below Walpole, at the age of twenty-three; but in 1794 three years afterwards, removed to Walpole, as being a larger village, where there was more society and more business. There was at that time on the Connecticut River a rather unusual number of gentlemen, distinguished for polite accomplishments and correct tastes in literature, and among them some well known to the public as respectable writers and authors. Among these were Mr. Benjamin West, Mr. Dennie, Mr. Royal Tyler, Mr. Jacobs, Mr. Samuel Hunt, Mr. J. W. Blake, Mr. Colman (who established, and for a long time edited, the "New York Evening Post"), and Mr. Olcott. In the association with these gentlemen and those like them, Mr. Mason found an agreeable position, and cultivated tastes and habits of the highest character.

About this period he made a journey to Virginia, on some business connected with land titles, where he had much intercourse with Major-Gen. Henry Lee; and, on his return, he saw President Washington, at Philadelphia, and was greatly struck by the urbanity and dignity of his manner. He heard Fisher Ames make his celebrated speech upon the British treaty. All that the world has said with regard to the extraordinary effect produced by that speech, and its wonderful excellence, is fully confirmed by the opinion of Mr. Mason. He speaks of it as one of the highest exhibitions of popular oratory that he had ever witnessed; popular, not in any low sense, but popular as being addressed to a popular body, and high in all the qualities of sound reasoning and enlightened eloquence.

Being inclined to exercise his abilities in a larger sphere, he removed from Walpole (402) to Portsmouth in 1797. He had at this time made the acquaintance of Aaron Burr and Alexander Hamilton. The former advised Mr. Mason to remove himself to New York. His own preference was for Boston; but he thought, that, filled as it then was by distinguished professional ability, it was too crowded to allow him a place. That was a mistake. On the contrary, the Bar of this city, with the utmost liberality and generosity of feeling and sentiment, have always been ready to receive, with open arms, every honorable acquisition to the dignity and usefulness of the profession which it follows. Mr. Mason, however, removed to Portsmouth in the autumn of 1797; and, as was to be expected, his practice soon became extensive. He was appointed Attorney-General in 1802. About that time, the late learned and lamented Chief Justice Smith retired from his professional duties, to take his place as a Judge, and Mr. Mason became the acknowledged head of his profession. He resigned the office of Attorney-General, three or four years afterwards, to the great regret of the Court, the Bar, and the country. As a prosecuting officer, he was courteous, inflexible, and just; careful that the guilty should not escape, and that the honest should be protected. He was impartial, almost judicial, in the administration of his great office. He had no morbid eagerness for conviction; and never permitted, as sometimes occurs, an unworthy wrangling between the official power prosecuting, and the zeal of the other party defending. His official course produced exactly the ends it was designed to do. The honest felt safe; but there was a trembling and fear in the evil disposed, that the transgressed law would be vindicated.

Very much confined to his profession, he never sought office or political elevation. Yet he held decided opinions upon all political questions, and cultivated acquaintance with all the leading subjects of the day; and no man was more keenly alive than he to whatever transpired at home or abroad, involving the great interests of the civilized world.

His political principles, opinions, judgments, were framed upon those of the men of the times of Washington. From these, to the last, he never swerved.

The copy was well executed. His conversation on subjects of state was as instructive and interesting as upon professional topics. He had the same reach of thought, and exhibited the same comprehensive mind, and sagacity quick and far-seeing, with regard to political things and men, as he did in professional affairs. His influence was, therefore, hardly the less from the fact, that he was not actively engaged in political life. There was an additional weight given to his judgment, arising from his being a disinterested beholder only. The looker-on upon a contest can sometimes form a more independent and impartial opinion of its course and its results, than those who are actually engaged in it.

But at length in June, 1813, he was persuaded to accept the post of a Senator of the United States, and took his seat that month. He was in Congress during the sessions of 1813 and 1814. Those were very exciting times, party spirit ran very high, and each party put forward its most prominent and gifted men; and both (403) houses were filled by the greatest intellects of the country. Mr. Mason found himself by the side of Rufus King, Giles, Goldsborough, Gore, Barbour, Daggett, Hunter, and other distinguished public men. And among men of whatever party, and however much some of them differed from him in opinion or political principle, there was not one of them all but felt pleasure if he spoke, and respected his uncommon ability and probity, and his fair and upright demeanor in his place and station. He took at once his appropriate position. Of his associates and admirers in the other house, there are some eminent persons now living who were occasional listeners to his speeches, and much struck with his ability; together with Pickering, Benson, Pitkin, Stockton, Lowndes, Gaston, and Hopkinson, now all deceased, who used to flock to hear him, and always derived deep gratification and instruction from his talents, character, and power.

He resigned in 1817. His published speeches are not numerous. The reports of that day were far less complete than now, and comparatively few debates were preserved and revised. It was a remarkable truth, that he always thought far too lightly of himself and all his productions. I know that he was with difficulty persuaded to prepare his speeches in Congress for publication; and, in this memorial of himself which I have before me, he says, with every appearance and feeling of sincerity, that he "has never acted any important part in life, but has felt a deep interest in the conduct of others."

His two main speeches were, first, one of great vigor, in the Senate, in February, 1814, on the Embargo, just before that policy was abandoned. The other was later, in December, 1815, shortly before the peace, on Mr. Giles's Conscription Bill, in which he discussed the subject of the enlistment of minors; and the clause authorizing such enlistment was struck out upon his motion.

He was afterwards for several years a member of the New Hampshire Legislature, and assisted in revising the code of that State. He paid much attention to the subject of the judicature, and performed his services fully to the satisfaction of the State; and the result of his labors was warmly commended. In 1824 he was again a candidate for the Senate of the United States. The election was to be made by the concurrent vote of the two branches of the Legislature. In the popular branch he was chosen by a strong vote. The Senate, however, non-concurred; by which means the election was lost—a loss to the country, not to him—by force of circumstances and agencies, not now or ever fit to be recalled or remembered.

He continued to reside for many years in Portsmouth. His residence in that ancient town was a happy one. He was happy in his family and in the society of the town, surrounded by agreeable neighbors, respected by the Bar and the Court, and standing at the head of his profession. He had a great love of conversation. He took pleasure in hearing others talk, and gave an additional charm by the freshness, agreeableness, and originality of his own observations. His warm hospitality left him never alone, and his usefulness was felt as much within the walls of the (404) homes, as of the tribunals, of Portsmouth. There are yet many in that town who love him and his; many who remember, as children, the enthusiasm with which he was greeted by their fathers and mothers; and all in New Hampshire, old enough to remember him, will feel what we feel here, on this occasion.

Led at last partly by the desire of exerting his abilities in a larger sphere of usefulness, and partly by the fact of the residence here of beloved domestic connections, he came to this city, and entered upon the performance of his professional duties in 1832. Of the manner in which he discharged those duties, this Court is the most competent judge. You, Mr. Chief Justice, and the venerable associate who usually occupies a place at your right, have been witnesses of the whole. You know the fidelity with which he observed his duty to the Court, as well as his duty to his clients. In learning, assiduity, respect for the Bench, uprightness and integrity, he stood as an example to the Bar. You know the general probity and talent with which he performed for so many years the duty of a Counsellor of this Court.

I should hardly trust myself to make any analysis of Mr. Mason's mind. I may be a partial judge. But I may speak of what I myself admire and venerate. The characteristics of Mr. Mason's mind, as I think, were *real greatness, strength and sagacity.* He was great through strong sense and sound judgment, great by comprehensive views of things, great by high and elevated purposes. Perhaps sometimes he was too cautious and refined, and his distinctions became too minute; but his discrimination arose from a force of intellect, and quick-seeing, far-reaching sagacity, everywhere discerning his object, and pursuing it steadily. Whether it was popular or professional, he grasped a point, and held it with a strong hand. He was sarcastic sometimes, but not frequently; not frothy or petulant, but cool and vitriolic. Unfortunate for him on whom his sarcasm fell!

His conversation was as remarkable as his efforts at the Bar. It was original, fresh, and suggestive; never dull or indifferent. He never talked when he had nothing to say. He was particularly agreeable, edifying, and instructive to all about him; and this was the charm of the social intercourse in which he was connected.

As a professional man, Mr. Mason's great ability lay in the department of the Common Law. In this part of jurisprudence, he was profoundly learned. He had drunk copiously from its deepest springs; and he had studied, with diligence and success, the departures from the English Common Law, which had taken place in this country, either necessarily, from difference of condition, or positively, by force of our own Statutes. In his addresses, both to courts and juries, he affected to despise all eloquence, and certainly disdained all ornament; but his efforts, whether addressed to one tribunal or the other, were marked by a degree of clearness, directness, and force, not easy to be equaled. There were no Courts of Equity, as a separate and distinct jurisdiction, in the State of New Hampshire during his residence in that State. Yet the Equity Treatises and Equity Reports were all in his library, not "wisely ranged for show," but for constant and daily consultation; because he saw (405) that the Common Law itself was growing every day more and more liberal; that Equity principles were constantly forcing themselves into its administration, and within its rules; that the subjects of litigation in the Courts were constantly becoming, more and more, such as escaped from the technicalities and the trammels of the Common Law, and offered themselves for discussion and decision on the broader principles of general jurisprudence. Mr. Mason, like other accomplished lawyers, and more than most, admired the searching scrutiny and the high morality of a Court of Equity; and felt the instruction and edification resulting from the perusal of the judgments of Lord Hardwicke, Lord Eldon, and Sir William Grant, as well as of those of great names in our own country, not now among the living.

Among his early associates in New Hampshire, there were many distinguished men. Of those now dead were Mr. West, Mr. Gordon, Edward St.

Loe Livermore, Peleg Sprague, William K. Atkinson, George Sullivan, Thomas W. Thompson, and Amos Kent; the last of these having been always a particular personal friend. All of these gentlemen in their day held high and respectable stations, and were eminent as lawyers of probity and character.

Another contemporary and friend of Mr. Mason was Mr. Timothy Bigelow, a lawyer of reputation, a man of probity and honor, attractive by his conversation, and highly agreeable in his social intercourse. Mr. Bigelow, we all know, was of this State, in which he filled high offices with great credit; but, as a Counsellor and Advocate, he was constant in his attendance on the New Hampshire courts. Having known Mr. Bigelow from my early youth, I have pleasure in recalling the mutual regard and friendship which I know to have subsisted between him and the subject of these remarks. I ought not to omit Mr. Wilson and Mr. Betton, in mentioning Mr. Mason's contemporaries at the Bar. They were near his own age, and both well known as lawyers and public men.

Mr. Mason, while yet in New Hampshire, found himself engaged in causes in which that illustrious man, Samuel Dexter, also appeared. The late Mr. Justice Story was still more frequently at the Bar of that State; and, at a period somewhat earlier, your great and distinguished predecessor, Chief Justice Parsons, occasionally presented himself before the Courts of Portsmouth or Exeter, and he is known to have entertained a very high regard, personal and professional, as well for Mr. Mason, as for the late Chief Justice Smith.

Among those still living, with whom Mr. Mason was on terms of intimacy, and with whom he associated at the Bar, were Messrs. Plumer, Arthur Livermore, Samuel Bell, and Charles H. Atherton. If these respected men could be here today, every one of them would unite with us in any tribute of love and veneration to his memory.

But, sir, political eminence and professional fame fade away, and die with all things earthly. Nothing of character is really permanent but virtue and personal worth. These remain. Whatever of excellence is wrought into the soul itself belongs (406) to both worlds. Real goodness does not attach itself merely to this life, it points to another world. Political or professional reputation cannot last forever; but a conscience void of offense before God and man is an inheritance for eternity. *Religion,* therefore, is a necessary and indispensable element in any great human character. There is no living without it. Religion is the tie that connects man with his Creator, and holds him to his throne. If that tie be all sundered, all broken, he floats away, a worthless atom in the universe; its proper attractions all gone, its destiny thwarted, and its whole future nothing but darkness, desolation, and death. A man with no sense of religious duty, is he whom the Scriptures describe—in such terse but terrific manner—as "living without God in the world." Such a man is out of his proper being, out of the circle of all his duties, out of the circle of all his happiness, and away, far, far away, from the purposes of his creation.

A mind like Mr. Mason's—active, thoughtful, penetrating, sedate—could not but meditate deeply on the condition of man below, and feel its responsibilities. He could not look on this wondrous frame,

"This universal frame, thus wondrous fair,"

without feeling that it was created and upheld by an intelligence to which all other intelligences must be responsible. I am bound to say, that in the course of my life I never met with an individual, in any profession or condition of life, who always spoke, and always thought, with such awful reverence of the power and presence of God. No irreverence, no lightness, even no too familiar allusion to God and his attributes, ever escaped his lips. The very notion of a Supreme Being was, with him, made up of awe and solemnity. It filled the whole of his great mind with the strongest emotions. A man like him, with all his proper sentiments and sensibilities alive in him, must, in this state of existence, have something to believe and something to hope for; or else, as life is advancing to its close, and parting, all is heart-sinking and oppression. Depend upon it, whatever may be the mind of an old man, old age is only really happy, when, on feeling the enjoyments of this world pass away, it begins to lay a stronger hold on those of another.

Mr. Mason's religious sentiments and feelings were the crowning glories of his character. One, with the strongest motives to love and venerate him, and the best means of knowledge, says:—

"So far as my memory extends, he always showed a deep conviction of the divine authority of the Holy Scriptures, of the institutions of Christianity, and of the importance of personal religion. Soon after his residence in Boston, he entered the Communion of the Church, and has continued since regularly to receive the Lord's Supper. From that time, he also habitually maintained domestic worship, morning and evening. The death of two of his sons produced a deep impression upon his mind, and directed it in an increased degree to religious subjects.

"Though he was always reserved in the expression of religious feeling, still it has (407) been very apparent for several years, that his thoughts dwelt much upon his practical religious duties, and especially upon preparation for another world. Within three or four years, he frequently led the conversation to such subjects; and during the year past, immediate preparation for his departure has been obviously the constant subject of his attention. His expressions in regard to it were deeply humble; and, indeed, the very humble manner in which he always spoke of himself was most marked.

"I have observed of late years, an increasing tenderness in his feelings and manner, and a desire to impress his family with the conviction that he would not remain long with them. His allusions of this kind have been repeated, even when apparently in his usual health; and they indicated the current of his thoughts.

"He retained his consciousness till within a few hours of his death, and made distinct replies to every question put to him. He was fully aware that his end was near; and in answer to the question, 'Can you now rest with firm faith upon the merits of your divine Redeemer?' he said, 'I trust I do; upon what else can I rest?'

"At another time, in reply to a similar question, he said, '*Of course*, I have no other ground of hope.' We did not often speak to him during those last few days, but had no doubt that he was entirely conscious of his state, knew that his family were all near, and that his mind was free from anxiety. He could not speak with ease, and we were unwilling to cause him the pain of exertion. His whole life, marked by uniform greatness, wisdom, and integrity; his deep humility, his profound reverence for the Divine Majesty, his habitual preparation for death, his humble trust in his Saviour, left nothing to be desired for the consolation of his family under this great loss. He was gradually prepared for his departure. His last years were passed in calm retirement; and he died as he wished to die,—with his faculties unimpaired, without great pain, his family around his bed, the precious promises of the Gospel before his mind, without lingering disease, and yet not suddenly called away."

Such, Mr. Chief Justice, was the life, and such the death, of Jeremiah Mason. For one I could pour out my heart like water, at the recollection of his virtues and his friendship, and in the feeling of his loss. I would embalm his memory in my best affections. His personal regard, so long continued to me, I esteem one of the greatest blessings of my life; and I hope that it may be known hereafter, that, without intermission or coolness through many years, and until he descended to his grave, Mr. Mason and myself were friends.

Mr. Mason died in old age; not by a violent stroke from the hand of death, not by a sudden rupture of the ties of nature, but by a gradual wearing out of his constitution. He enjoyed through life, indeed, remarkable health. He took competent exercise, loved the open air, and avoiding all extreme theories or practice controlled (408) his conduct and habits of life by the rules of prudence and moderation. His death was therefore not unlike that described by the Angel. admonishing Adam:—

"I yield it just, said Adam, and submit.
But is there yet no other way, besides
These painful passages, how we may come
To death, and mix with our connatural dust?

"There is, said Michael, if thou well observe
The rule of 'Not too much,' by temperance taught,
In what thou eat'st and drink'st; seeking from thence
Due nourishment, not gluttonous delight;
Till many years over thy head return,
So may'st thou live; till, like ripe fruit, thou drop
Into thy mother's lap; or be with ease
Gathered, not harshly plucked; for death mature.
This is old age."[a]

After Mr. Webster had taken his seat, his Honor, Chief Justice Shaw, replied as follows:—

Gentlemen of the Bar,—A few weeks have elapsed since our hearts were first saddened by the announcement of the lamented event to which the resolutions now offered refer. But such were the character, the life, and services of Mr. Mason; so large was the space filled by him in the estimation of the public; so strong was his hold upon the veneration, respect, and affection of all those who had known him, and been associated with him in public, professional, and social life, that his decease was not an event to awaken merely strong temporary feeling of grief and sadness, and then pass away and be forgotten. It is

[a] Milton: Paradise Lost. Bk. XI. Line 526.

an event fitted to produce a deep and abiding impression upon the memory of the community which he has long and effectually served, the chosen profession which he has honored and adorned, and upon the minds and hearts of the associates and friends whom he has instructed by his wisdom, and endeared to him by his kindness.

It is therefore with the highest satisfaction, and with feelings of respect and affection entirely in accordance with those of the Bar, in which I am confident that my associates, the other members of this Court, will cordially participate, that I receive these resolutions; and I shall cheerfully comply with the wish of the Bar by ordering them to be enrolled with the recorded proceedings of this Court, in order that they may stand as a permanent memorial to future times, of the high sense entertained, as well by this Court as by the Bar, of the public character and services of Mr. Mason. (409)

His eminent and marked professional character entitle him to a high rank in the estimation of those who are conversant with the administration of justice, and who duly appreciate the value and importance of enlightened jurisprudence, to the safety and peace of a free people. The prominent characteristics of his mind were strength, energy, and a far-reaching sagacity. To extraordinary powers of mind, and a keen natural sagacity, and power of discrimination, he brought the aid of copious learning, the fruits of patient and well-directed study. But with such eminent natural and acquired powers, Mr. Mason was not in the habit of giving hasty opinions, or of coming unprepared to the discussion of important questions. When cases of controverted rights were presented to him, he was accustomed to examine them with the most patient and persevering investigation, and subject them to a rigid analysis, by which he was enabled to follow the intricacies of the most complicated cases, and to present their true bearings and merits to a court or jury with admirable clearness and perspicuity. Mr. Mason seemed to regard the contested rights of his employers, drawn into litigation, as a sacred trust committed to his charge, which he was conscientiously bound to protect by all lawful and honorable means; and he regarded nothing done, by way of preparation, so long as anything remained undone which patient research could accomplish.

In this respect, the character of Mr. Mason may be recommended as an example to all those young men who take upon themselves the responsibilities, and aspire to the honors of the legal profession.

It is true that every one cannot feel assured of the eminent natural gifts which characterized Mr. Mason's mind; but all can imitate the patient study, the industrious investigation, the unshaken integrity, and conscientious fidelity which prominently marked the career of this eminent Jurist.

The death of such a man though at an advanced age, and though a bereavement, in the order of a wise, kind Providence, to which we would submissively bow, is an event not to be chronicled and soon forgotten. His example and character remain: let us all look to it as an incentive to a more faithful performance of duty, to industry, to perseverance, and to all honorable effort. He has passed from our sight; but his public life and character belong to his age and to posterity. It is therefore the part of wisdom, as well as a most grateful duty, to cherish his memory, to dwell on the excellences of his character, and to deepen and perpetuate the influence of an eminent lawyer, and of a great and good man.

In the Circuit Court of the United States, on Tuesday, October 17, Robert Rantoul, Jun., Esq.,[a] the United States Attorney for the Massachusetts District, presented the Resolutions adopted by the Bar practicing in that Court, and introduced them by the following remarks:— (410)

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[a] Robert Rantoul, Jr. (1805—1852.) American lawyer and politician, born in Beverly, Mass.; graduated at Harvard, 1826; was admitted to the bar three years later and after practicing for a time at South Reading removed in 1833 to Gloucester elected to the legislature as a Democrat in '33; became a member of the first state board of education, '37. The following year, moved to Boston; in '43 became collector of the port; '45—49, U. S. District Attorney for Mass. (Feb. 22, '51 to Mch. 3, '51, U. S. Senator (in place of Daniel Webster, resigned,) and in Nov., same year, elected to H. of R. He was a decided opponent of slav-

May it please your Honors,—The duty devolves upon me of announcing to this Court the decease of one of its oldest and ablest counsellors. The Hon. Jeremiah Mason, whose death occurred on Saturday last, has gone down to the grave, full of honors, and after a long life of arduous professional duty. That a man who has filled so large a space in the estimation of his fellow-citizens should receive from his associates in our profession the due meed of respect, I have been requested by the members of the Bar of the Court for the First Circuit to submit the Resolutions which I hold in my hand, which, with the leave of the Court, I will read, and move that they be entered on the records; after which I shall move that this Court do adjourn.

Judge Woodbury responded to Mr. Rantoul's address as follows:—

Gentlemen of the Bar,—This Court has received your Resolutions on the lamented death of Mr. Mason with the sensibility due to his great worth. His standing as a lawyer so very high, and his powers as an advocate so remarkable, were known widely; but none could fully appreciate the extent of his reading, his accuracy in details, the acuteness as well as vigor of his intellect, and his unsparing logic, without something of that long intimacy with him in the practice of his profession which I formerly had the happiness to enjoy.

ery, and in '51, a year before his death, defended Thomas Sims, the first slave recovered in Mass. under the Fugitive Slave Law of '50. Mr. Rantoul, Jr., paid the following tribute to the statesmen of N. H.:—"In the ratio of her population N. H. contributed more mental and moral strength to the Bar, to the Senate, and to the Cabinet of the country than any other State in the Union. There were Ichabod Bartlett, the 'Randolph of the North', the brilliant flashes of whose wit, keen sarcasm and pungent irony gave life and spirit to the dry judicial discussions — Sullivan, the fascination of whose happy eloquence still lingers—Fletcher, whose legal acumen, clear, distinct and precise statement, closely reasoned argument and conscious mastery of his subject adorn no less the bench than formerly the bar — Jeremiah Mason, that counsellor of marvelous sagacity, unrivalled in his knowledge of human nature, — and Daniel Webster."

Well may the members of that profession respect his memory, when it is but a just tribute to his rare talents to say that, in my opinion, in a profound knowledge of several branches of jurisprudence, and in some of the most choice qualities of a forensic speaker, he had in his palmy days, not merely in this State or New England, but in this whole country, few equals, and probably no superior.

Your Resolutions, gentlemen, shall be recorded; and this Court, out of regard to the distinguished merit of Mr. Mason and his long practice before it in this Circuit, will now adjourn.

NEW HAMPSHIRE.

At a meeting of the Rockingham Bar, holden in the Court House at Portsmouth, October 19, John Porter, Esq., the President, having taken the Chair, the members present were addressed by Charles W. Cutter, Esq., who, in a few brief and interesting remarks, alluded to the great number of eminent lawyers that had in times past made the Rockingham Bar distinguished throughout the country, and referred to the recent decease in Boston of the Hon. Jeremiah Mason, so long the most eminent practitioner at this Bar, and probably at the time of his decease the greatest master of the Common Law on this continent.

(411)

Mr. Cutter concluded by offering the following Resolutions, which, on motion of J. W. Emery, Esq., seconded by D. M. Christie, Esq., were unanimously adopted:—

Resolved, That the recent sudden decease of the Hon. Jeremiah Mason, formerly and for nearly forty years a member of this Bar, of which he was its distinguished leader, pride, and ornament, demands some appropriate notice.

Resolved, That the high respect and admiration universally entertained for Mr. Mason by his professional brethren, arose not only from his great intellectual superiority, his profound knowledge of the principles of the Common Law, and his unrivaled skill and sagacity as an advocate and jurist, but also from the most implicit and unhesitating reliance upon his high principles, his sense of honor, and his elevated standard of personal and professional obligations.

Resolved, That we deeply sympathize with the members of Mr. Mason's family in the sudden and irreparable loss which they have sustained.

Resolved, That the Hon. John Porter be requested to present these resolutions to the Hon. Court now in session; that Hon. Ichabod Bartlett be requested to present the same to the Superior Court at its next session in this judicial district, and also to communicate the same to Mrs. Mason, with an expression of the most respectful and affectionate sympathy of the members of this body.

At the opening of the Court of Common Pleas in Portsmouth, on the 21st of October, the Hon. John Porter rose, and addressed the Court as follows:—

May it please your Honors,—The Bar of this county, having received tidings of the recent death of the Hon. Jeremiah Mason at Boston, have made it my duty to announce that melancholy event to the Court.

The demise of such a man as Mr. Mason cannot fail to excite the deepest feelings of mournful regret in the minds of those so long and so agreeably associated with him in professional life, as this Bar has heretofore been.

It is true, that Mr. Mason, for a number of years prior to his decease, resided in a neighboring State, and had discontinued the practice of his profession among us; but the largest and best portion of his valuable life was spent in this State and here in this immediate neighborhood, where this Court is now in session. It was here, at this Bar, that his young mind gave promise of that commanding eminence of character, to which he afterwards attained; and it was here that he exhibited the full measure of his intellectual powers and endowments in meridian life. It was here that he built up for himself a reputation for learning, for integrity, and for consummate (412) skill and address in the management of causes, that few, very few, if any, may hope to excel. Under such circumstances, the members of this Bar cannot but sensibly feel his loss, and desire to offer some tribute of respect to his memory.

Mr. Mason was not only great in his profession, but he had much and varied learning of a more general and diffusive character. The circle of his reading was extensive, and his memory was capacious and retentive. Hence he became possessed of an ample store of general information entitling him to a high rank as a sound and thorough scholar.

At times he held important official stations, both in the State and general government, the duties of which he discharged with singular fidelity and ability. And when in private life, such was the general confidence in the extent and accuracy of his information, and the soundness of his judgments, relative to passing events, that his advice and opinions exerted a decided influence, in guiding and controlling the opinions and conduct of others.

He was a very instructive and entertaining companion. He knew how to be amusing and playful, as well as serious and grave. His conversation was full of anecdote and remark, drawn from his extensive observation and reading, both in regard to men and affairs.

He had a fast hold upon the confidence of the people immediately surrounding him, as neighbors and acquaintance; and he was, especially, strong and secure in the affections and esteem of those who enjoyed his more intimate friendship; and his memory, by all such, will be ever cherished and respected.

Sundry Resolutions have been adopted, at a meeting of this Bar, in reference to the death of Mr. Mason, expressive of their high estimation of his character, and their deep feelings of sorrow for his loss. These resolutions, it now only remains for me, in behalf of the Bar, to present to the Court.

The Resolutions were then read.

The Hon. Samuel D. Bell, the presiding Justice, said:—

The Court sensibly feel the great loss sustained by the profession and the community, by the death of the Hon. Mr. Mason.

They entirely concur in the sentiments expressed in the resolutions of the gentlemen of the Bar of this county, now communicated to them.

They unite in the wish to place upon the records of the Court some proper testimonial of the high esteem and respect entertained by them in common with the whole community, for the deceased, as a man and a scholar, as a distinguished legislator, and as a lawyer whose eminent learning and almost unrivaled ability have conferred distinction upon the Bar of the State.

It is therefore ordered, that the Resolutions of the Bar be entered upon the records of the Court. (413)

At a meeting of the members of the Merrimack County Bar, held at the Court Room in Concord, New Hampshire, the 21st day of October,—on motion of Ira Perley, Esq., Gen. Franklin Pierce was chosen Chairman, and John H. George, Secretary.

Mr. Perley announced the recent death of the Hon. Jeremiah Mason, of Boston, and stated the object of the meeting to be an expression of its appreciation of the distinguished character of the deceased, of his eminent abilities and vast acquirements, and of the great and salutary influence he exerted during the long period of his practice in this State.

Voted, That Hon. Moses Norris, Ira Perley, Esq., and Gen. Charles H. Peaslee be a Committee to draft and report Resolutions expressive of the sense of the Bar upon this occasion.

Mr. Norris, from the above Committee, reported the following Resolutions:—

Resolved, That the long connection of the Hon. Jeremiah Mason with the

Bar of this State, his salutary and controlling influence as its most distinguished member, his vast learning and pre-eminent abilities, forbid that we should allow the occasion of our present session to pass without some tribute to his memory.

Resolved, That the announcement of his death has been received by this Bar with profound sensibility; and that the profession in the State in which he passed the dawn and meridian of his professional life, will, in their convictions of the great loss which New England has sustained, respond fully to the sentiments and opinions of their brethren in that State where his sun went down.

Voted, That these Resolutions be adopted; and that the Chairman present the same to the Court, with the request that they be entered upon the records.

The Chairman presented the Resolutions to the Court with appropriate remarks upon the striking characteristics of Mr. Mason, which, in his opinion, rendered him perhaps the most remarkable man, and the most learned jurist the country has ever produced.

The Court, having appropriately responded to the feelings and sentiments expressed by the Bar, ordered the Resolutions to be entered upon the records.

(414)

B.

TRIBUTES TO MR. MASON BY MR. CHOATE AND MR. HOAR.

EXTRACT FROM MISS MASON'S DIARY.

"*Sunday* Oct. 29, 1848.—Mr. Choate was here this evening, talking all the time of father. What reverence and admiration were felt for that man with whom I have been living all my life, and how little I have improved such an advantage! He was so modest and unostentatious that, although I always felt he was wiser than most men, I do not think I was aware of the great estimation in which he was held, and of late years his tenderness has been so overflowing towards his family that I have lived upon his love and affection, and forgotten his greatness.

"*Monday*, Feb. 1, 1849.—We have had great pleasure in a visit from Mr. Hoar[a] this evening. Mr. H. was a friend of my dear father's, and spoke of him with a reverence and admiration which went to our hearts, coming from such an earnest and honest spirit. He said that his visits to father had been a source of the truest intellectual enjoyment and improvement, that Judge Marshall considered him the greatest master of the common law in the country, and that this was the universal opinion among lawyers."

[a] E. Rockwell Hoar.

C.

REMINISCENCES OF MR. MASON BY FRANCIS BASSETT, ESQ.

From an article which appeared in the "New England Historical and Genealogical Register" for October, 1871.

In the year 1830, the year before I was appointed Clerk of the U. S. Circuit and District Courts, I made an assignment for one of my clients in Boston, of a considerable amount of property in real estate, and a factory in Charlestown, on Connecticut River, in New Hampshire, out of which assignment grew a lawsuit of importance, which was the last that I was ever engaged in as counsel, and in which my client was successful. I mention this fact, because it is connected with my first acquaintance (415) with Jeremiah Mason, whom I employed to act with me as senior counsel. In walking home in the early part of the evening with Mr. Webster, from a dinner party in Boston, I stated to him that I was about to have a pretty important lawsuit to manage in New Hampshire, and I had concluded to engage Mr. Mason to act with me as senior counsel. He instantly answered, "I am glad to hear it; and I will give you a letter to him, who is one of the cleverest fellows you ever met. You will like him." And he paid me the compliment of saying, "he will like you." He then, in his graphic way, described to me his particular friend, Mr. Mason. He said he had spent some years in the vigor of manhood in Portsmouth, N. H., where he had Mr. Mason as his opponent in most of the important cases which he argued in that State. He said that since he left Portsmouth and removed to Boston, he had been engaged in cases at Washington, where he had for his antagonists, he believed, most of the ablest counsel in the United States, and that he did not know how much allowance he ought to make for early associations, but he could say, that there was no lawyer in the United States that he should fear so much to come in contact with as opposing counsel, as Mr. Mason. This anecdote shows the high opinion Webster had of Mason's ability as a lawyer, and their long continued friendship shows the esteem and veneration in which he held him as a man.

The commencement of my acquaintance with Jeremiah Mason I have already stated. It continued with intimacy from the time he removed from Portsmouth to Boston, until his death. We used frequently to have conversation upon important subjects, and his acute and capacious mind enabled him to be interesting and instructive. He once remarked that he considered Franklin and Hamilton, though quite different, the two greatest minds of this nation, but he was unable to decide which in his opinion was the greatest. He said that Hamilton, in his reports as Secretary of the Treasury, had presented all the arguments that could be urged in favor of the constitutionality and expediency of a national bank and tariff, and but little had been added, in all the subsequent discussions, upon these subjects.

He once remarked to me that Chancellor Kent and Judge Story were the only members of the legal profession in this country, thoroughly learned in equity jurisprudence.

The following anecdote of Mr. Mason, furnished also by Mr. Bassett, has not before appeared in print:—

Mr. Mason told me that once during Jefferson's administration he had occasion to go to Virginia upon business, and he took a letter of introduction from Pierpont Edwards, who was an acquaintance of Jefferson and of some distinction as one of his political associates. When he visited Monticello he met the President standing at the door waiting for his horse to be brought for him to take his accustomed ride. He handed him his letter, and after Jefferson had read it, he received him very cordially and requested him to walk into the parlor and be seated, where (416) he stayed about an hour and had a very interesting conversation with the President. The purchase of Louisiana was the important subject which excited the attention of the two great political parties of the nation at that time. Mr. Jefferson soon began to express his views upon the question of annexation and how the interests of the nation would be promoted by effecting it. Mason was a rigid Federalist and opposed to the administration and to the measure about to be adopted. After hearing the reasons stated by Jefferson in favor of purchasing and making Louisiana a part of the United States, stated in his ingenious and captivating manner, he confessed that his zeal in opposition was quite moderated. This elaborate and eloquent disclosure of his views, Mason attributed to the fact that Jefferson had been informed by Edwards that he was a lawyer of some reputation in New Hampshire, and that by his stating the reasons urged by the President in favor of the purchase, it would be likely to have a favorable effect in the New England States, where he had to encounter the greatest opposition. This interview, Mason said, afforded him evidence of the ability of Jefferson to meet opposition by his extensive knowledge and persuasive eloquence, which he considered the principal cause of his success as a political ruler.

D.

ANECDOTE OF MR. MASON WHEN TRAVELLING ON SUNDAY IN CONNECTICUT.

COMMUNICATED BY HIS DAUGHTER, MRS. ELLISON.

"I was returning home from college one vacation, and having been overtaken by a severe rain storm, Saturday evening, stopped at a tavern some dozen miles from my home, and Sunday morning, it being fine weather, I mounted my horse, which was a powerful one, lent or given me by my grandfather, and jogged on through a sandy road with pine forests on each side. I had just passed a small meeting-house, and it was near meeting time, when I was accosted by a quiet-looking little man on a small nag, who said, 'Are you travelling on the Lord's day?' I told him my reason and that I was only on my way to my home, having been prevented by the storm the previous evening. He told me he was a justice of the peace, and that his duty was to stop me and see that I went to meeting all day, and after sunset I (417) might proceed on my journey. After some discussion, in which I told him I could not and would not stay, he still said his duty was to stop me. 'How will you do it?' At this he drew his horse across the road and left no room for me to pass. With that I wheeled my horse about and rode back some paces and then faced him. He said, 'What do you mean to do?' 'To come on,' meaning to take a flying leap. With this view of the case, my friend asked for a parley, and after some more discussion finding me still decided, he ended by saying, 'If you can promise me to go to meeting this afternoon, and can also solemnly say you think it is your *duty* to go on, I will allow you to pass.' Telling him I never doubted for a moment it was a duty, I proceeded on my journey."

E.

DEDICATION TO MR. MASON BY JUDGE STORY OF HIS COMMENTARY ON EQUITY PLEADING.

TO THE HONORABLE JEREMIAH MASON, LL. D.

SIR,—I esteem it a great privilege to have the opportunity of dedicating this work to you. Few circumstances in my life could be more grateful, than those which enable me to inscribe on the pages, which contain my own juridical labors, the memorials of my private friendships, as well as the avowals of my reverence for the great, the good, and the wise. Your own enviable distinction, so long held in the first rank of the profession, and supported by an ability and depth and variety of learning, which have had few equals, and to which no one can bear a more prompt and willing testimony than myself, would alone entitle you to a far higher tribute, than any I can bestow. I well know that I speak but the common voice of the profession on this subject; for they have well understood the vigor and the weight of that lucid argumentation, which has spoken in language for the cause, and not merely for its ornament: *Neque id ipsum tam leporis causa, quoquam ponderis.* (Nor is this thing I do, so much an occasion of lightness and pleasure to me, as one of gravity and moment.—Mr. Story means to say the dedication is not made in a spirit of sprightliness, in the way or a compliment, but in deep appreciation of Mr. Mason's worth.) But I confess myself more anxious to be allowed to consider this dedication, as a tribute to your exalted private worth, spotless integrity, and inflexible public principles, as well as a free expression of my own gratitude for your uniform friendship; . . . a friendship which commenced with my first entrance among the bar, in which you were then the acknowledged leader (a period, when the value of such unexpected kindness could not but be deeply felt, and fully appreciated), and which has continued, undiminished, (418) up to the present hour. Such reminiscences are to me more precious than any earthly honors. They fade not with the breath of popular applause; and they cheer those hours, which as age approaches, are naturally devoted to reflections upon the past, for instruction, as well as for consolation.

I am, with the highest respect, your obliged friend,

JOSEPH STORY.

CAMBRIDGE, *January* 1, 1838.

F.

LETTERS TO MEMBERS OF MR. MASON'S FAMILY AFTER HIS DEATH.

GEORGE TICKNOR TO MRS. MASON.

MANCHESTER, *October* 20, 1848.

MY DEAR MRS. MASON,—Mrs. Ticknor goes to Boston to-morrow, in the hope of seeing you, and offering you our very sincere sympathy in your sorrow and in that of your house. She will do it more tenderly than I could; but still I must ask to say a few words for myself. I have known Mr. Mason, during nearly the half of his long life, and during the whole of the active period of my own; but in all that time I have known no man, however distinguished, who felt himself too wise to seek his counsel, or too experienced in the ways of the world to profit by his experience. He was trusted, I think, by the greatest and best among us, more than any other man in New England; and he deserved the confidence he enjoyed, by his extraordinary and peculiar intellectual power; by his admirable wisdom; and by his severe and faithful integrity. All men knew they could depend upon him. But who knew it, like those who depended upon his affections? My dear Mrs. Mason, I have little right to allude even to your loss. But you will I know allow me to express my sympathy in it, and my grief at what I have lost myself; grateful that I have known such a man so long, and that God has taken him from us so gently, so kindly.

With affectionate regards to all your family, believe me, dear Mrs. Mason, very faithfully your friend,

GEORGE TICKNOR.

MRS. J. MASON, TREMONT STREET.

(419)

PROFESSOR A. S. PACKARD TO MRS. MASON.

BRUNSWICK, *November* 3, 1848.

MY DEAR MRS. MASON,—....It seems but a few days since I saw you all in usual health and happiness. Mr. Mason was cheerful and cordial the morning I saw him last. I thought he appeared more oppressed by bodily infirmity when I saw him in the spring, and for the first time I then thought of him as an old man; but I saw nothing then or in September, which led me to imagine that I might not often meet him again. It is surely a consolation to the family, that he was spared, what he seemed to dread, wasting and painful disease, and all the discomforts of an imbecile and helpless old age; that he enjoyed almost to the very last, full possession of his remarkable powers, and when summoned was permitted to sink quietly to rest, free from pain or distress. I have been much interested in the testimonials which have been bestowed so cordially and so justly to his pre-eminent merits both in public and private life. Such distinguished notices, while they may aggravate the sense of bereavement, yet must be highly gratifying to you all. As for myself, I have always found it difficult to express my own impressions of his great intellectual resources, and have ever esteemed it among the highest and most distinguished privileges of my life, that I have been permitted to listen to his conversation and enjoy its quickening influence on my own mind.....

CHARLES SUMNER TO MRS. MASON.

COURT STREET, *November* 14, 1848.

MY DEAR MRS. MASON,—I have just returned from listening to Mr. Webster's touching tribute to your late husband. As his words sank into my soul, I felt anew the irreparable loss we have all sustained,—his family, his friends, and his country. I was absent from home, when I heard of his death, and it was a source of deep regret, mingling with my deeper grief for his departure, that I could not join in the last tribute of religion and affection to his remains.

I have longed to assure you of my sympathy. I have sat often in pleasant converse with him at your fireside, and think of those hours with gratitude and delight. They rise to my memory now, filling the period which has passed from my youth upwards, among those happy recollections which I shall bear with me to my grave. Let me, then, tell you how sincerely I mourn with you, how much I rejoice also, in the satisfaction of a well-spent life, and in his present peace. To die so full of years, and after so much honorable service, may well fill us at once with emotions of grief and thanksgiving. Of grief for what we lose, but of thanksgiving for all that we have had. (420)

I trust soon to have the pleasure of calling upon you and sitting again at the same fireside, where I have so often listened to him, whose face I shall see no more on earth.

Believing me, my dear Mrs. Mason.

Affectionately yours, CHARLES SUMNER.

W. PLUMER, JR., TO MRS. MASON.

EPPING, *March* 20, 1849.

DEAR MADAM,—....Mr. Mason was one of the few very great men with whom it has been my good fortune to be acquainted. For, though for the last thirty years, I have had more or less intercourse with many called great, I have not been in the habit of putting more than a very few of them into the first rank of greatness. Mr. Mason was, in many respects, entitled to take his stand in the first rank. If he had earlier removed to Boston, and extended his practice to the Supreme Court at Washington, he would have built up for himself a national reputation as indisputably the first lawyer of the Union. As it is, his reputation is scarcely less extensive. My father's[1] object in offering him, many years since, a seat on the Bench, was, that he might thus be enabled to do the State the inestimable service of laying broad and deep the foundations of her jurisprudence, in a series of decisions, which would, at the same time, have done lasting honor to their author. It was a source of much regret to him, that circumstances deemed by him imperious, prevented his accepting that appointment. When I revert to the many acts of kindness and attention which I have experienced from Mr. Mason and his family, for more than thirty years past, I feel how great is their loss and how much I am their debtor. Now that he is gone, I feel more sensibly than ever, regret for the opportunities I have neglected, of more frequent and profitable intercourse with so remarkable a man; and especially that I have not recorded some of the many things worthy of note, with which he favored me in my different interviews with him.....

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[1] Mr. Plumer's father was Governor of New Hampshire.

Your obliged and obedient servant, W. PLUMER, JR.

EDWARD EVERETT TO MRS. MASON.

CAMBRIDGE, *March* 24, 1849.

DEAR MADAM,—I had the honor to receive a day or two ago, a copy of the proceedings in Massachusetts and New Hampshire, on occasion of the decease of your late honored and lamented husband. I am greatly indebted to you for doing me the favor of sending me this interesting and valuable pamphlet. The tributes which it contains to the memory of Mr. Mason, by some of those most competent to (421) pronounce his eulogy, appear to me in no degree extravagant. They utter what all who knew him felt, though few could express it so well. My acquaintance with Mr. Mason, never I am grieved to say an intimate one, commenced at an early period of my life; as long ago as 1814. He showed to me, an unknown youth on a hasty visit to Washington, the most marked and flattering attentions, which awakened in me a feeling of personal regard—independent of the respect, which every one felt for his talents and dignified character and manner. From that time forward, though not frequently enjoying the privilege of his personal intercourse, I never met him without receiving from him some word of kindness, which kept fresh and strong the feeling of attachment which I had formed for him from the commencement of our acquaintance. On one occasion he used an expression of commendation of a public performance of mine which he had heard, so different from the common language of compliment, that it sunk into my heart.

It would be presumptuous in me, dear madam, to intrude further upon you. I have wished only to add the offering of my individual feelings, to the general sentiment of the community, which has reached you from every quarter, and which forms one of the chief sources of consolation, by which the loss of the great and good is made up to bereaved survivors.

That you, dear madam, and your family may have the enjoyment of higher sources of consolation, than any which human sympathy or praise can furnish, is the respectful wish of Your faithful, obedient servant.

Edward Everett.

WILLIAM R. LAWRENCE TO R. M. MASON.

Boston, *May* 27, 1871.

Dear Robert, — You asked me some weeks since to furnish some reminiscences of your honored father. It is more than twenty years since he died, so that many things which he said have faded from my memory, and it is a subject of regret that I did not make a record at the time, of what might now be regarded with interest. My recollection of him goes far back, when you and I were pupils at the Lyceum in Gardiner, Maine, in the year 1827. Three days were required to get to Gardiner by the old Eastern line of coaches, and the first night I usually passed at your father's house in Portsmouth. I there saw him for the first time, and though somewhat awed by his presence, soon was made to feel at ease by his kindly nature and friendliness of manner. I became much more acquainted with him in 1832, after he had taken up his permanent residence in Boston. He lived only four doors from us on Tremont Street, as you well remember, and the various members of our families were on terms of the greatest intimacy, visiting each other often several times a day. You know that my father [1] was very strenuous in his efforts to induce your father to (422) remove from Portsmouth to Boston, and it was mainly through his efforts that the fact was accomplished. I have reason to believe that the step taken was never regretted, but was the means of adding much to the happiness of all concerned. I was abroad at school at the time of the removal, and the prospect of such an event was a constant theme of my father's letters.

On March 21st, 1832, he writes: "In about a week or ten days, we shall have two of the cousins from Portsmouth to see to putting their house in order, for the family to remove, and in about three weeks I hope they will be quietly settled down by our side in their own house. I contemplate their residence here with great satisfaction. It will be a source of never failing profit to you to talk to your uncle and to hear him talk."

On March 28th, he writes: "Mr. Mason's family will all be here, I think, within twenty days, and it would seem that so far as external circumstances are concerned, my family will have the means of happiness in a higher degree than almost any other in the land."

On April 21st, he says: "Mr. Mason's family are quietly settled in their new home, and the comfort of having them so settled I am satisfied will equal all my anticipations. Some of the members of each family are in and out a number of times every day, and your uncle M. comes in frequently and gives me a good sitting, which always leaves me something to reflect upon after he has gone.

[1] The late Amos Lawrence.

He has a great mind and has arrived at that period of life when it is agreeable to him to find good listeners, as well as good talkers. The last seven days would have been long days to me, had they not been here. You must be careful and give him exact information when you return, otherwise he will not value it. His habit is to gather knowledge from all sources, and he never forgets what he has once heard. If you can learn anything that will be new to him, I shall be glad."

You, no doubt, can appreciate the force of the last passages, as you recollect your father's habit of what might be truly called *pumping* information. Often when I was enjoying myself with the younger members of the family, no stranger being present, he would draw a chair by the side of his own at the end of the fireplace, and would say with a beckoning gesture, "Come here, W., and sit by me." I would accordingly take the chair, and prepare myself for the questioning I knew would follow. You will remember his position and posture on such occasions. He always imparted more than he gained, and his conversation was of a most agreeable kind, only he would often ask questions about which it was embarrassing to confess ignorance, and to which one could hardly help attempting a reply. He would sometimes cross-examine me on some point, and when he got me into a corner, was always kindly and considerate, and took no unfair advantage of my ignorance. Persons who met him in the routine of business-life, could not appreciate the genial traits which he manifested in the daily intercourse of his own household. His conversation was entertaining as well as instructive, and his store of information best on (423) most topics which interested him. It is now a subject of real regret that I did not make some memoranda of the many interesting conversations to which I listened for so many years. I shall always retain pleasant associations with his memory, and shall esteem it a great privilege to have enjoyed such free and unrestained intercourse with so remarkable a man.

Affectionately your cousin, WM. R. LAWRENCE.

R. M. MASON, ESQ.

REV. J. H. MORISON TO R. M. MASON.

MILTON, *November* 29, 1872.

MY DEAR SIR, — My first knowledge of your father was gained in the court house at Exeter, in the autumn of 1824. For several years while I lived in Exeter, most of the time a student in the academy, it was a great privilege to hear the arguments of prominent members of the Bar in important cases. Young as I was, it did not take me long to find out that Mr. Mason was by far the ablest man there. Mr. George Sullivan, the attorney-general, was a graceful, accomplished, and persuasive speaker, with a clear, melodious voice.

Mr. Ichabod Bartlett was a man of remarkable adroitness in the management of a case, as quick as a flash of lightning in the movements of his mind, whether to inflict or parry a blow. At first it might seem as if he were the keenest and most brilliant advocate of them all. But before getting through the case in which he and Mr. Mason were engaged on opposite sides, it was plain enough that he was obliged to put out all his strength to sustain himself against an opponent who was hardly exerting himself at all. Mr. Mason seemed always like a man who felt himself master of the situation. He seemed like one who had taken in every possible hazard and complication of the case so as to be prepared for it. While his opponents grew excited and angry, he without emotion and apparently without exertion would give out his short, sharp sentences which cut through all their logic and left them often helpless. The merciless way in which he dissected an argument, separating all the cords by which its parts were bound together, was equaled only by the coolness and keenness of the questions by which he subdued a prevaricating witness.

Sometimes he would seize upon the single strong point in a case, and by sheer force of repetition brush away the apparent sophistries of his opponents, till we could hardly imagine why such foolish arguments could have been seriously brought forward. I remember a case in which an attempt was made to break a will by proving mental incompetency on the part of the testator. The testimony, if I remember right, was very strong and not easily to be got rid of. But Mr. Mason's one point was that the testator "had mind enough to know who he loved." Clause after clause of the opposing argument was examined. Evidence from different witnesses (424) was reviewed and dissected; but all in reference to this one point, which remained in spite of all that could be proved to the contrary. Whatever might be said in regard to the strength or clearness of the testator's mental faculties in other respects, "he had mind enough to know who he loved." The whole argument rested on that. The jury could hardly retain anything else in their minds. The weight of reason and of evidence was nothing so long as it left that point untouched. The verdict, of course, was for his client.

On one occasion, before Judge Story of the United States Circuit Court, a distinguished lawyer from Massachusetts was of the counsel opposed to Mr. Mason. He spoke fluently and gracefully, in a manner fitted to make a pleasant impression on the minds of the jury and to enlist their sympathies on his side. He concluded by referring to the straitened circumstances of his client, "though," said he, "I know that these considerations ought to have no weight with you, and I trust entirely to the justice of our cause." Mr. Mason, in rising, said, with a strange mixture of humor and severity in his manner, "I agree entirely with the remark of the gentleman, that the circumstances of his client should have no influence on your decision, and I should have assented to it quite as willingly if he had said nothing about it." He then went on with his argument, and, laying open the whole merits of the case, with wonderful clearness and force, seemed to leave nothing for the other side to stand upon. Indeed, the opposing counsel seemed utterly powerless. Twenty years afterwards I became acquainted with the Massachusetts lawyer, and on referring to this case, I found that his recollections of it coincided entirely with my own.

Boy as I was when I heard Mr. Mason at the bar, I was very much impressed not only by the general strength of his reasoning, but his extraordinary subtlety and ingenuity of mind. The last time that I heard him—it was before Judge Story, in a purely legal argument in March, 1834, I think,—he must have shown these characteristics very decidedly; for Mr. Webster began his reply by saying: "May it please your Honor, there are some hairs so exceedingly fine that even the gentleman himself cannot split them."

These recollections of Mr. Mason can have no value except as showing the impression made by him upon a boy who had at the time few keener enjoyments than in witnessing the sharp and powerful encounter of legal minds at the bar. A few years ago Mr. James Rowe, of Bangor, Maine, told me an incident which he thought showed the most extraordinary readiness and presence of mind that he had ever known of. It was told him by Mr. Ichabod Bartlett. The incident occurred during the trial of a case in which the most important evidence against Mr. Mason's client was given in an affidavit by an old political and personal friend of his. As Mr. Mason was beginning to comment on this evidence with a good deal of severity, Mr. Bartlett, partly from mischief and partly to soften the force of the strictures, said to Mr. M., "There is a report that he [the witness] is dead." Mr. Mason was evidently very deeply moved and stood silent for a moment, when Mr. Bartlett, fearing (425) that he had carried the joke too far, added: "But there is some reason to suppose that it is a mistake." Instantly Mr. Mason, with very strong emotion, exclaimed: "Thank God for that! Thank God for that! The man who gave that affidavit ought to have time for repentance."

I first met Mr. Mason at Judge Smith's house in Exeter, but he of course would not remember me. In May or June, 1838 or 1839, I met him with his wife and one of his daughters at Stockbridge. The cars arrived there during a violent shower. There were no carriages at the place, except one which had come to take me and my party to Lenox. I recognized Mr. Mason and offered him my carriage to take him and his family to the hotel, which offer he very graciously accepted. The next day, on entering the stage-coach at Lee, I found myself sitting opposite to him, he and his friends recognizing me as one whom they had met the day before. A brisk conversation was soon begun and continued through the greater part of the day, going over a great variety of topics and marked by the qualities of his strong and comprehensive intellect. I was examined and cross-examined with a severity as unrelenting as if I had been a witness on the stand. It certainly was not a pleasant position to be in, and once or twice I got out and sat by the driver, merely to escape the searching succession of questions to which I was subjected on many different subjects. Still there was a singular fascination about it, and after a short respite, I found myself drawn back again. This continued through the day, till we reached Springfield, where we spent the night, and during the greater part of the next day, till we reached Worcester, at which place we were to take the railroad train. While at the depot in Worcester, Mr. Mason came to me, and in the kindest manner possible, invited me to his house in Boston. It was a great pleasure to accept his invitation. I was in the habit of going to see him as long as he lived, and was always received and treated with the gentlest and most gracious kindliness. The harshness of the cross-examination never appeared again. In conversation with him I was always struck by his strength and originality of mind, his shrewdness and penetration, as well as by the variety and extent of his knowledge. But that which impressed me most of all was the sentiment of tenderness and reverence which marked his whole demeanor and seemed to affect the very tones of his voice.

There was something very childlike in his humility. In the Memoir which I prepared of Judge Smith, there was a comparison of the two great lawyers.

Before publication, I placed the manuscript containing this sketch in the hands of your brother, Rev. Charles Mason, who read it to his father. I had qualified my admiration for him as a lawyer by intimating that, in a desperate case, he might, perhaps, sometimes endeavor to prevent a verdict against his client by confusing and perplexing the minds of the jury. He was not offended by the charge. He did not deny its truth. But he seemed grieved by it. With a humility, which, in a man so able and of so high a spirit, was extremely affecting, he said very gently and as if considering whether it were so or not, that he was not conscious of ever having done (426) anything of the kind. It might be true, but he was not aware of it. I do not know of any trait of character which shows more real greatness of soul than this humility, taken in connection with his extraordinary intellectual ability and the consciousness which he could not fail to have of his own powers.

He could be very severe, terrific in his denunciations of meanness and wrong. But I can recall no instance of harshness in his judgment of his associates or rivals. His tone in speaking of them was always one of marked deference and kindliness. He was a very earnest Episcopalian, and in the first conversation that I had with him he spoke almost contemptuously of the looseness of church government among Congregationalists. But his religious sympathies were by no means confined to his own denomination. Indeed, in his personal relations, I do not think that the consideration of denominational associations had the slightest influence upon his feelings. It seemed to me, as I saw him from time to time, that he grew every year more thoughtful, more kindly in his judgments, more delicate and gentle in his attention to others, with a deepening sense of things heavenly and divine, attended by a sentiment of reverence like that which we sometimes see in a little child. In the latter years of his life, this gradual mellowing and ripening of his whole character was more especially observable. The great man was growing into a higher form of greatness through his humility and the transforming graces and affections of a Christian faith received into the heart and carried out in his life and conversation.

These are some of the impressions which he made upon me. Perhaps I have drawn inferences too broad, considering the slight opportunities which I had of knowing him. But there are some natures so strong in their great endowments, so simple in their structure, and so transparent and childlike in revealing themselves, that we can hardly be mistaken in regard to them. It was so, I think, with your father. He had a most subtle intellect, but there was no concealment or guile about him. It would be difficult to measure the extent of his powers and attainments as a lawyer. Only the greatest masters of the theory and practice of the law could do that. But the highest qualities of his mind and character showed themselves in his intercourse with his friends, and left with them impressions which can never pass away.

With sincere regard, I am very truly yours,

John H. Morison.

REV. J. S. STONE TO R. M. MASON.

Cambridge, *December* 9, 1872.

My dear Mr. Mason:—I am glad to learn that we are soon to have a Memoir of your honored father. As his life not only measured a long tract of the history of our nation, but was also itself an important part of that history, it is needless to say (427) that the proposed work is a public desideratum; and as I consider our common Christianity to be the highest and best element in our national heritage, it seems to me very important that, in making such a man as Jeremiah Mason known to coming ages, his Christian character should hold a conspicuous place in the record.

When your father came to Boston in the year 1832, he was not, indeed, a communicant in the Church, but he became at once a serious and earnest attendant on her ministrations, in the parish of which I was then Rector, and after a short time openly connected himself with her Fellowship. He was then in the ripe fullness of his powers; and it is simple justice to his name to say that, in professing himself a Christian, his act was no idle compliment to a reputable custom, no unmeaning compliance with a mere decent yet lifeless form. Long accustomed to sift evidence with peculiar skill, and to weigh the merits of a cause in severe balances, his great mind saw in Christianity what challenged his free assent and justified his heartfelt homage. The calm deeps of his mind had been stirred, and its inmost recesses reached, by a more than human power; and when he knelt before the consecrated Symbols of his Saviour's Death and Passion, he felt not that he was bestowing valuable patronage upon a needy cause, but that he was paying glad homage to a Divine Master, and receiving high honor as from the signet of a Sovereign.

In some of the non-essentials of Christianity, especially in those touching Ecclesiastical Order, he did not always accord in opinion with his pastor; but in dealing with the essential, central truths of the Gospel, that pastor always found the heart of his great hearer in live harmony with the theme. As long as I remained in St. Paul's I had in your father one of my most attentive and appreciative listeners, and one of my truest and most cordial supporters; and when I left, I left in him one of my most honored and trusted friends.

I rejoice to think that the forthcoming Memoir will carry down to coming generations the salutary influence not only of a noble American patriot and citizen, but also of a sincere and true-hearted Christian man.

Ever affectionately yours,

JOHN S. STONE.

R. M. MASON, ESQ.

CHARLES B. GOODRICH TO R. M. MASON.

Boston, *March* 14, 1873.

My dear Sir,— . . . .

When your father resided at Portsmouth, after his return from Congress, he received from prominent gentlemen residing in some of the Southern States, "Cases Stated," upon which his opinion was requested; he had a manuscript volume in which some of his opinions were copied. Mr. Macon[a], of North Carolina, had great confidence (428) in and respect for his opinions. Mr. Mason had an enlarged and comprehensive knowledge of the law in all its branches. In his early practice at Portsmouth he instituted several suits known as "Writs of Right," which were to be served in the upper part of the State, in the county of Grafton. In the service of these writs great exactness was required. After he had prepared the papers, including a minute and exact statement of the mode of service, he sent for Peyton Randolph Freeman, a young lawyer at Portsmouth, who subsequently became very able in all matters relating to the law of real property, who answered the invitation. Mr. Mason read, and explained to him the papers which he had prepared; requested him to take the writs, and to see in person that proper service was made. Mr. Freeman said to him "You are right; the papers are correct." Mr. Mason then asked him, "What do you know about it?" Freeman said he had borrowed "Booth on Real Actions," the only copy of the book in the State, which he had copied entire. This manuscript was subsequently destroyed, with the library of Mr. Freeman, which was burned some years since.

[a] Nathaniel Macon, a representative and senator from N. C.; born in Warren County, N. C., December 17, 1757; pursued classical studies and attended Princeton College; served in the Revolutionary War; served as Speaker of the House of Representatives, 1801-07; elected to U. S. Senate, 1815; re-elected 1819 and 1825, and served in Senate till 1828, when he declined re-election, died June 29, 1837, in Warren County, N. C.

Mr. Mason, and several other gentlemen, were employed to defend the sureties of a deposit bank, in a suit which had been commenced against them by the United States, to recover money which had been deposited. At a conference of the counsel Mr. Mason suggested that his juniors should prepare the outlines, or skeletons of pleas proper to be filed. One prepared seven, another five; a third wrote out twenty-three; and they met to consider them. The defendants, who had individually become sureties for the bank at the time the Secretary of the Treasury made an arrangement with the bank for a deposit of the public money, were directors of the bank. The twenty-three pleas were read. As the reading proceeded, Mr. Mason commented upon them, saying, "That is very well;" "That will do;" "That is immaterial." After some ten or fifteen had been read, the reading of another was commenced, which was founded upon an assumption that the Secretary of the Treasury and the directors of the bank had conspired to defraud the defendants. So soon as the character of the plea was disclosed, Mr. Mason interrupted, and said, "What is that—a conspiracy—a conspiracy to cheat—to cheat whom—a conspiracy by the defendants to cheat themselves." The result of this comment was graphic. The plea was rejected. This is only one of many instances in which the acute and instantaneous perception by Mr. Mason of the true principle or point at issue manifested itself.

A former Chief Justice of New Hampshire (Richardson)[a], who tried the Dartmouth College case in the State Court, an able, learned, and upright judge, was somewhat impulsive, quick, and off-hand in his rulings at nisi prius, and occasionally when sitting in bank. He was ready, however, to hear; and if satisfied he had made a mistake, willing and quick to correct it. He had not any pride of opinion which induced him to adhere to any mistake which he had made. On one occasion Mr. Mason, at a trial before the jury, made several objections, which were overruled; (429) but in the course of the hearing he made one which was sustained by the Chief Justice, upon the announcement of which Mr. Mason said, "Will your honor stick?" evidently perceiving that upon this ruling the case was with him.

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[a] "Chief Justice Richardson was forty-four years old when he sat as judge in the Dartmouth College case, in the Supreme Court of New Hampshire. He was a graduate of Harvard, a member of Congress from Massachusetts, in 1812, and was subsequently re-elected; but being averse to political life, resigned and removed to Portsmouth, in his native State, in 1814. From his appointment in 1816, till his death in 1838, he was Chief Justice of the highest court. Like

Mr. Mason with reluctance accepted the presidency and direction of the Branch Bank of the United States at Portsmouth, at the urgent solicitation of the parent bank at Philadelphia. He managed its affairs with great fidelity to the interests of the bank, at the same time extending to its customers and to its debtors every accommodation and leniency which could with propriety be granted. The objections to his course were made entirely upon political grounds. The president of the branch acted as loan officer of the government, and had charge of the payment of pensions. The Secretary of the Treasury gave Mr. Pickering, of New Hampshire, who had been appointed loan officer, with authority to pay pensions, an order upon the branch bank for the papers and money applicable to their payment. Mr. Pickering called at the office of Mr. Mason, presented his commission and the order of the Secretary. At this stage of the interview Mr. Mason said, "Have you any other business with me?" To which Mr. Pickering replied, "No, sir." Mr. Mason, with a graceful wave of his arm, said, "Good morning, sir." Mr. Pickering, somewhat astounded, asked if he declined to deliver the papers and pension funds in his hands. To which Mr. Mason answered, "If you will produce an order from Mr. Biddle, I will very cheerfully comply."

Marshall's, his eyes were black, piercing, and brilliant; like Marshall's, his hair was black as a raven's wing; but unlike Marshall, he had a full, high and broad forehead. In learning and industry he ranked with Chief Justice Parsons. He was a great and honest judge. * * * His reasoning and his heart alike were as open and ingenuous as the light of day. He was reverenced by the people of the State as no other judge ever was." Shirley's Dartmouth College Causes, 148-9.

In truth, the Secretary of the Treasury had transcended his authority in attempting to deprive the bank of some of its chartered rights. This was one of the causes which induced an attack upon the Bank of the United States, which subsequently resulted in its destruction.

The incidents to which I have referred are similar to many others, which were interspersed in the daily professional life of your father, which were instructive and profitable to those around him. Mr. Mason was considered by many of the community as distant, forbidding, and severe in his bearing; the impression so entertained was not well founded. He did not seek for or regard, if I may so say, the popularity of the street; but in his intercourse with neighbors and friends he was courteous, bland, and kind, to an extent not surpassed by any one. I shall ever cherish his memory with gratitude for the many kindnesses which he extended to me in my early professional efforts, which were not discontinued during his lifetime.

Very respectfully, your obedient servant,

C. B. GOODRICH.

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MR. MASON'S FAMILY AND DESCENDANTS.

MR. MASON was married on the 6th of November, 1799, to Mary Means, born October 20th, 1777, daughter of Robert and Mary Means, of Amherst, N. H.

Mrs. Mason possessed in a remarkable degree the feminine graces of mind, heart, and character; and it is fitting that her descendants should know how beautiful and exemplary her life was, and what cause they have to reverence and cherish her memory.

From her letters to Mr. Mason before and immediately after her marriage, some of which are still preserved, it appears that she showed at an early period those elevated and amiable traits which grew with her growth, and guided her whole future life. She seems to have had from the beginning a deep sense of the responsibilities she was to assume, and to have devoted herself, heart and soul, to the performance of the duties devolved upon her by her new relation.

Aware of the burden of labor and responsibility which rested upon her husband, it was her constant aim and wish to take upon herself the whole charge of the household, and thus, as far as she could, to lighten his toils and relieve him from anxiety. But Mr. Mason's own nature was sympathetic and careful. With the highest estimate of his wife's character and capacity, he was never quite willing to allow her to assume all the weight of responsibility which the care of a large family involves.

As will have been seen from some of his letters, Mr. Mason was of an anxious temperament, a little disposed to anticipate trouble, and provide for it before it came. It was his custom before he left home either for Washington, or to attend the courts, to make provision in advance for any emergency which might arise in his absence, and thus relieve his wife, as far as possible, from the anxiety she would naturally feel in her lonely estate, surrounded by a large and growing family.

The period between 1812 and 1815, while we were at war with England, was not without some peril to the population on the seaboard, and large towns like Portsmouth were particularly exposed to attacks from the enemy. During these years the town was threatened, or was thought to be, more than once, with hostile demonstrations. Whether there was any real ground for alarm, or whether the apprehensions were only the growth of timid fancies, is doubtful; but of the latter, the general trepidation was as great as if there had been just cause for dread.

The prospect of a hostile attack was not a pleasant subject of contemplation for a man of Mr. Mason's temperament, when leaving his family for a long journey, or an indefinite period. He took all possible pains to provide them with the needful (431) means of escape should the enemy land, and gave his wife careful directions what to do.

Mrs. Mason, by her gentleness of nature and sweetness of manner, won the hearts of all who came within her sphere. She was the friend and comforter of the sick and the needy; they never appealed to her in vain. In the large social circle in which she moved no one was more respected and beloved. Hospitable herself, she was a welcome guest in every house. She had nothing of the bitterness and jealousy which sometimes disturb the harmony of small communities. Sweetness of temper, sympathy, and patience, were among her marked traits. She never thought or spoke of the weaknesses and foibles of her acquaintances. She put out of sight what she could not approve. She won the affections of all by her uniform courtesy and gentle self-control. As said by one who knew her well, "Mrs. Mason was universally respected and beloved; she was esteemed the model and admiration of her sex among the good people of Portsmouth." Long after she ceased to be a resident of that town, her memory continued fresh and grateful in the hearts of those with whom she had been associated in all the relations of friends and neighbors. "Her refinement and courtesy, her benevolence and hospitality, were held in grateful remembrance." She was an accurate judge of character, and indulged sometimes in a playful pleasantry, but never with bitterness, or to offend the susceptibilities of any one. Mr. Mason was not so guarded in his strictures on the society around him. His comments were often sharp and incisive, and sometimes drew forth a mild reproof from his wife. These were not always effectual in checking him, though they were uniformly taken in good part. Sometimes an animated and amusing discussion would arise. Mr. Mason, by way of defense, qualifying his original criticism by some playful observation which yet involved a new sarcasm. Then perhaps he would withdraw the whole sting of his censure by some kindly remark, calculated to soothe any wound which might have been left upon his wife's sensibilities. Her influence in truth was very great over him, and it was often remarked in the family how often she carried her point in the end. In her gentleness and sweetness there was nothing of weakness. Her character was firm, and she had an excellent judgment, for which her husband had a great respect, and often expressed it.

The prominent traits in her character were disinterestedness and kindness of heart. No human being was ever more free from the taint of selfishness. It was her delight to minister to the happiness of others. Her life was filled with deeds of charity and kindness, flowing from a warm heart and a self-sacrificing spirit.

She was a Christian in principle and practice. Religion ruled and colored her whole life. It was the foundation on which all her virtues rested. From this source her peace, her submission, her cheerfulness came. She was conspicuous for the Christian grace of humility, which shed a sweet and pure influence over her whole life. She was always distrustful of herself. If the graces of the Beatitudes are a (432) test of Christian character, for her we may justly claim that merit; for in her they shone conspicuously.

Mr. and Mrs. Mason were in the habit of talking about the probable duration of their lives, and on one of these occasions he told her that she would survive him, and finally die at the same age as himself. His prediction was almost literally fulfilled, though at the time of his death there was little probability of her living ten years longer. She died April 10, 1858, aged eighty years, five months, and twenty-one days, having exceeded her husband's term of life by only four days. She was buried at Mount Auburn by his side.

Mr. and Mrs. Mason had eight children, five sons and three daughters, of whom five are deceased, namely,—

George Means Mason, born October 3, 1800; died August 16, 1865.

Mary Elizabeth Mason, born May 18, 1802; died April 29, 1859.
Alfred Mason, born March 24, 1804; died April 12, 1828.
James Jeremiah Mason, born June 13, 1806; died June 13, 1835.
Charles Mason, born July 25, 1812; died March 23, 1862.

GEORGE MEANS MASON.

George Means Mason, the eldest son and eldest child of Mr. and Mrs. Mason, had his early education in Portsmouth, at such schools as the town then contained; but as he grew older, and better means were required for the training of his mind, and to prepare him for college, for which he was destined, he was placed under the charge of Dr. Coffin, a gentleman of scholarly attainments, well fitted to discharge the trust he assumed. Dr. Coffin's family was highly esteemed in Portsmouth. The writer of this has a vivid recollection of the venerable and ladylike appearance of Mrs. Coffin, whose attractive aspect and manners secured her general regard. Their children had the same amiable qualities, and were favorites with their friends and contemporaries.

During a portion of Mr. Mason's absence in Washington, George lived in Dr. Coffin's family, as it became necessary to distribute the children where they could best be taken care of, Mrs. Mason having accompanied her husband to Washington during one of the sessions of Congress. George naturally fell under the charge of his teacher, this arrangement affording greater facilities for the prosecution of his studies.

Here he remained till he was fitted for Bowdoin College, at that time presided over by the Rev. Jesse Appleton, D. D., whose name appears in the Memoir as one of Mr. Mason's correspondents. Dr. Appleton was Mr. Mason's brother-in-law, and thus that institution had peculiar claims on the latter's regards, and two of his sons were educated there. (433)

George passed through college very creditably, though he was not very careful in the observance of the college rules. This sometimes exposed him to censure, but his natural abilities enabled him to master with ease the required studies without any great application. In those days the course of study in the colleges of New England did not task the powers of the students so much as is now the case.

After leaving college, George entered his father's office as a student, and there he had the opportunity of seeing all the varied business of a lawyer in large practice. But whether from the want of a natural taste for the profession, and the skill in applying his knowledge, or for some other reasons, he did not seem to be able to make the results of his law studies available for the active and profitable pursuit of the profession.

His father, seeing this disability, and thinking, and perhaps rightly, that his chance of ultimate success would be better by a removal to another and an independent sphere of action, where he would be thrown on his own resources, advised him to take up his residence in Boston.

George accordingly removed there, and opened an office. He did not long remain in Boston, but moved by a desire to see something of the Western country, then, as now, rapidly filling up with emigrants, but in larger proportion than now from the Eastern States, he made a journey to Ohio. Here he gained many valuable friends, and learned much by personal observation of the condition and prospects of the country. His purpose had been to settle, and pursue his profession there, but he satisfied himself that the qualities essential to success in that region were of a more energetic and enterprising nature than he possessed. He had not the pushing ways necessary to get business. He had not resolution enough to put himself forward prominently before that class from whom business was to be expected. With superior knowledge and abilities, he was held back by reserve and self-distrust, and to such a degree as to make almost useless the talents and acquirements which he unquestionably possessed.

His mind was well stored with book knowledge, both in law and general literature.

On his return from Ohio he resumed his place in his father's office, taking upon himself much of the labor he was so well qualified to perform in the preparation of cases and the general work of the office. Here his accuracy of detail, and his careful investigation of authorities, enabled him to be of excellent service. He did not often appear in the courts, but when he did it was always with credit to himself.

His taste for reading made large collections of books attractive to him. The Atheneum was his favorite resort, and when the Public Library in Boston was opened it was much frequented by him.

He wrote occasionally for the "North American Review," and showed a cultivated mind and a scholarly style.

The circumstances of his death were very touching, mysterious, and afflicting. (434) He had accompanied some near and dear relatives, with whom he had been in constant intercourse for many years, to the steamer in which they were to embark for Europe. Taking leave of them with sad, though not greatly depressed feelings, he went to an office he was in the habit of visiting to look over the newspapers. He took up one of them, but in a few moments was seen to drop the sheet; his head fell forward, and he was dead. The cause of his death was thought by his physicians to have been an affection of the heart, probably aggravated by the mental excitement caused, though not betrayed at the time, by the separation from those he loved, and the prospect of returning to a lonely home. It happened that all the other members of his family were then absent, and the gloom that came over him was a proof of his strong domestic attachments, and his dependence on the affection and kindness of those with whom he was most nearly connected.

MARY ELIZABETH MASON.

It will have been seen by some of the letters in the Memoir how anxious Mr. Mason was to imbue the mind of his daughter, when she was quite young, with those principles and rules of conduct which are essential to the highest excellence of the female character. He was careful to urge the importance of close attention to her studies, not neglecting advice as to the acquisition of those accomplishments which every well educated woman should possess. From him she learned how much of the happiness of life depends upon domestic affection and offices of love towards members of the same household, and also how important good manners are in winning and retaining friends, and what careful regard should be had to the tastes and feelings of others. An anxious desire for the welfare and happiness of his children was indeed the ruling motive of his life. For this he gave up political life and indulgence of ambitious aspirations, because they took up so much of the time which he thought should be given to his family. His great desire, as often expressed by him, was to give to all his children such education as would fit them to discharge worthily and well the duties to which they might be called. Beyond this he did not expect to do much. The acquisition of property was never a leading object with him. He lived in a hospitable and generous style, and was charitable to the extent of his means, and thus could not accumulate any great amount of property. His children were well aware of this, and thus never formed extravagant expectations.

His careful regard for the welfare and happiness of his children was well repaid in the case of his eldest daughter. His advice and instruction fell like good seed on rich ground. She was of a thoughtful nature, open to improving influences, considerate of others, and faithful to all the duties of life. Her heart was affectionate, and her manners gentle and winning. Much of the symmetry and finish of her character was due to the teaching of her father and the example of her mother. Her friends noticed in her a constant moral and spiritual growth. She inherited her (435) father's good sense and sound judgment, and with these were combined a social tact and a sweetness of manner which made for her many warm friends. Her mind, well balanced and well constructed, put forth its powers in a style of conversation which showed at once reflection and study. Her maners, like her father's, were calm and self-possessed. Her heart was full of sympathy, and she shared alike in the joys and sorrows of her friends. Her judgment was sound and deliberate, and she never acted from sudden impulse. In her presence and movements there was a mingling of dignity and grace, which conciliated at once respect and affection.

Upon a heart so tender and sympathetic as hers the domestic sorrows, which are the lot of humanity, and from which Mr. Mason's family was not exempt, fell with peculiar weight; and they gave to her manners a tinge of sadness, but without any touch of bitterness or gloom. For she was a woman of strong religious faith, and this was her all-sufficient support in all her trials. The Christian graces of humanity and self-sacrifice shone in her life with peculiar lustre. The touch of sorrow only served to increase her natural tenderness and sensibility.

As her father advanced in years, and the infirmities of age began to press upon him, his eldest daughter devoted herself to him with a touching affection. She watched the gradual decay of physical powers, but never had occasion to mourn the darkness of mental eclipse, for Mr. Mason retained all the powers of his mind to the last. The years of his decline were serene and happy. He was undisturbed by the cares of business, and his whole time was given to the society of his family, and that of the many friends who visited him for the sake of his instructing and entertaining conversation.

It was Miss Mason's habit to record what was interesting to her in a diary, seen by none but herself during her life. The extracts from it which follow, show how close was the tie which bound the father and daughter together, and what love and confidence there were between them. Her conversations with him were not confined to the common topics of domestic life, and those subjects of public interest which were open to all; but they often turned on those solemn themes of life, death, and immortality, on which men do not open their hearts except to those whom they fully love and trust. With his daughter, who devoted herself to him with such tender assiduity, he had no reserve. And she was able to bring to the discussion of such questions a superior mind, cultivated by reading and reflection, and exalted by a strong religious feeling, which gladly led her father's powerful understanding in a direction so congenial to herself.

It will be seen by Miss Mason's diary that the great aim of her life was to minister to the happiness of her father and mother. She dreaded the hour when, in the course of nature, she should be called to part with them; and felt that after such separation the world would lose much of its attraction for her.

The death of her father, and afterwards that of her mother, did actually wean her from this life, and she was prepared at any moment to obey the summons that should (436) call her hence. But her life was still cheerful and active. Much of her time was given to works of benevolence and charity, and the visiting of the sick and destitute, especially in the interests of two institutions with which she was closely identified: "The Widows' Society," and the "Church Home for Orphan and Destitute Children," the latter founded by her brother, the Rev. Charles Mason. This most beneficent charity enjoyed the benefit of her wise counsel and devoted care, to its great and lasting advantage.

It need hardly be added how much she contributed to the happiness of the family circle to which she was endeared by such ties of affection, the surviving members of which will never lose the precious remembrance of her admirable character and sweet disposition, and the ever warm sympathy with which she made their joys and sorrows her own, of which her diary contains almost daily proof. Under the providence of God, she was called to share with her sister the charge of her brother's children, who will ever remember her tender and watchful care.

A few extracts from Miss Mason's diary are here given, as illustrating her purity of character and strong filial affection:—

April, 1843.—In the evening several visitors, amongst others, Mr. Hillard. Father talked with him of his professional habits,—his early rising and hard working, year after year; but after all it was the best profession, and he would choose it again, though not perhaps New Hampshire as the field.

Sunday.—I have been interested in reading some of Mr. Greenwood's sermons on Consolation. Father was struck with their poetic beauty; he has been troubled with rheumatism several days, and seemed to fear a tedious confinement, and I was surprised to see with what a quiet spirit he spoke of it; he often laments the want of patience. It is touching to hear him confess with so much meekness what he says is his infirmity. He is the best and dearest of parents, and seems to grow more tender towards his children every year, feeling, as he does, that each may be his last.

In speaking of the effect of capital punishment, he said that he went to Norwich to a hanging, when he was about ten years old, which frightened him so that he did not go to bed for years without thinking of it. Since that time he had defended half-a-dozen criminals, and saved them all from that punishment; he said he preferred being on that side to the other, but it was disagreeable business, and one that he had always been pressed into.

The last day of 1843.—This year no sickness has come nigh our dwelling; our beloved parents are still spared, the light and joy of our home.

April 28, 1844.—Yesterday was my dear father's birthday; it was a pleasant day to us and to him. We united in a family gift of a Bible to him, as a mark of our love and remembrance of the occasion. What a blessing that this dear parent has been spared to us so long. (437)

August, 1844.—I came home from Amherst, finding I was rather missed, and had a delightful greeting. O! how happy these returns are, and what a beloved home has mine always been.

18th.—The country is beautiful, and my visit to Brookline was pleasant. We came in to-day to church and heard Dr. Vinton, after an absence of some weeks, which seemed like the restoration of a great privilege. Father has been hearing and reading in the evenings the "Life of Lord Eldon," with great interest. It is a fine English edition given him by Robert, which adds to his pleasure in reading it.

September 10, 1844.—Father and mother have been alone, and have quite enjoyed it, for a few days, talking over old times, etc. What a long and pleasant life they have had together; they have concluded that if they live to their half century anniversary, they will celebrate it. God grant they may, if it will be for their happiness. He alone knows what is for our true good; but if that time should find them with health and happiness unimpaired, it would be a blessing indeed. What a long and happy period He has allowed us to enjoy on earth together; it seems to me now, that I shall have no object in life, when these beloved parents are taken; but God will then, I trust, draw me nearer to Him.

September 17.—Father, mother, and I have had a pleasant journey to Rhineland,[1] where we received the hearty welcome we expected. It was a long journey for my dear father, and the fatigue and annoyances of travelling are so great, that I do not think he ought to be subject to them at his time of life; but we have returned from this safely and after much enjoyment, and he was the life and centre of attraction. How proud I was of the noble old man.

December, 1844.—Jane and I have promised to be with Charles,[2] one at a time, and do what we can to lighten his heavy burthen of care. It will involve a separation from each other, and from the dear home we love so well; but the

[1] The residence of Dr. and Mrs. Rhinelander, Long Island, N. Y.

[2] After the death of his wife.

hardest separation is from the dear old man, whose hoary head is our crown of rejoicing, and from whom I feel that we may soon be called to part. I cannot bear to think of being so much away from dear father, but this seems to be a call of Providence, and our duty is clear. May God give us strength to fulfill it.

January 5, 1845.—In thinking of Susan's[3] life, I see a beautiful exemplification of the Christian character, and a model which we may well imitate. In our affliction God has remembered mercy, and I would bless Him that He has spared my beloved parents to see this new year.

January 26, 1845.—This is probably the last Sunday that I shall spend in this dear home for three months; how thankful that I am leaving them well, but in that time what changes may occur. . . . .

June 28.—My dear father has been confined with lameness to his chair for nearly a fortnight. It has been a great pleasure to be with him to cheer a little the (438) dullness of his confinement. He has been very patient, and it is a comfort to see that as his infirmities increase, so does his gentleness and submissive spirit.

November 25.—For the last two months we have been much occupied with our beloved Uncle and Aunt Lawrence in sharing their anxieties and doing what we could to cheer him, when she was devoting herself to her darling son.[1] That object of tender solicitude is now removed. Dear Robert breathed his last yesterday evening, commending with his last utterance his soul to his Saviour.

After her father's death.—. . . but my dear father is gone. O Heavenly Father, take now my whole heart, now that Thou hast taken my greatest earthly stay.

. . . . has been in this evening; it has been delightful to hear him talk of dear father; how my heart warms towards those who loved him and enjoyed so much his society!

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[3] Mrs. Charles Mason.

[1] Robert Means Lawrence, who died at nineteen years of age.

. . . . seems to feel deeply his own personal loss; he has lost a sincere and earnest friend. O! it cheers and comforts me to think I have had such a father; may his noble qualities, and the recollection of his tender love, keep me from everything small or mean; all about him was genuine, earnest, and true. God forgive me if I have ever grieved that kind heart. How my longing eyes look in vain for that remarkable form; when I see that vacant chair, and remember the hours I have passed by his side, I feel that nobody will ever love me in this world as he did, except perhaps my dear mother, and she has never seemed so dependent on our affection; but she will be, now that he is taken.

December, 1848.—I feel thankful to have been with my beloved father during this last summer; it has given me a treasure of sweet recollections, which I shall love to cherish through life.

I have many feelings of regret that I did not improve more opportunities of conversation upon religious subjects, but I do not know that it would have been useful; his mind was constantly dwelling upon the subject, and perhaps the meditations of such a mind were more profitable; and I know that he often expressed the strongest desire to be prepared, and a firm trust in his Saviour.

When he was every evening sitting in his chair for an hour at twilight, and looking at that glorious sky as if he would penetrate its mysteries, what help could any words of mine have given. I feel thankful that these few years of serene life, free from care and turmoil, have been spared to him.

How often, when I have been reading to him sermons on the Resurrection, in which were speculations upon the spiritual state and the intercourse of disembodied spirits, he would say, "It is what we cannot comprehend here, the sort of intercourse spirits without matter can hold; it was what we could have no idea of now." Speculations upon things not clearly revealed in the Scriptures he did not enter into.

September, 1849.—Dear mother has tried to be cheerful, and has succeeded, though I think she feels her loneliness here[1] in the summer, from not having her usual occupations, and the feeling that dear father would have enjoyed it so much.

August, 1851.—I have enjoyed the quiet of Boston, and the time I have had to myself at this season. Mother and I have had much pleasant intercourse together. She has enjoyed hearing Wordsworth's Life read. I have not read anything in a long time that has given me so much plesaure; and it has brought back a fresh pleasure in his poetry, which I used to enjoy so much long years ago.

January 1, 1853.—The year did not leave us without its warning in a most solemn and affecting manner. On its last day our dear Uncle Lawrence was taken from us most suddenly and unexpectedly to us all. He has been connected with our dearest associations for many years, and his loss will make a change in our circle most deeply to be felt. He has been a warm and tenderly affectionate friend of thirty years; his loss is great to us, and to the poor and suffering, to whom his purse and heart were ever open.

July 31, 1853.—Sharon Springs[a]. I have been here little more than a week, and the time has passed pleasantly, and I hope not unprofitably. I have met Christian friends whom I shall long remember. Miss Donaldson is a rare character; may her example have an influence on me for the good of my soul; such simplicity and devotion to the one object of her life, doing good to the souls of her fellow beings.

April 25, 1858.—My dear, precious mother departed this life on the 10th day of this month. No more will her sweet, gentle accents reach my ears, no more her sympathizing heart be open to share all my cares and anxieties,—the tenderest of human relations has ceased for me. O, may the remembrance of her lovely traits of nature and grace help to make me in earnest to be like her, and to make it now the business of my life to make others happy. May we all be thankful that this blessed mother has been spared to us so long for a comfort and example.

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[1] They were spending the summer at Danvers.

[a] A village of Schoharie County, N. Y.,—50 miles west of Troy, population (1910), 459. It is a well known summer and health resort on account of its medical springs.

December 19, 1858.—The joyful season of Christmas is approaching. What sweet recollections we have of the social enjoyments of this day, all our lives long. But the dear mother, so long spared to be a blessing, is now removed, as I trust, to a better world. And now I would pray that the mourning over lost joys and blessings may be swallowed up in rejoicing for the birth of my precious Saviour into this world of sin.

The following notice of Miss Mason appeared in one of the Boston papers soon after her death:—

OBITUARY.

Died.—In this city, April 29, Miss Mary E. Mason, eldest daughter of the late Jeremiah Mason.

(440)

This announcement came with startling suddenness upon a large circle of the friends of the deceased. And scarcely less overwhelming was the unexpected summons to that inner circle of which she was so beloved a member. It may be truly said, that she herself was the only one prepared to meet it. It would, indeed, have been strange had it been otherwise; for her whole life seemed to those around her but a preparation for death. And this not in a gloomy sense—far otherwise. To the most social and amiable qualities of mind and heart, she added those vigorous elements of decision and force of character, good judgment, and worthy action, which make "the perfect woman nobly planned."

Her deeds need no eulogy,—they live after her. The widow, the orphan, the distressed, knew her charitable hand, and revived and took courage at her kindly and inspiriting words.

The parish of which she was so active a member, deeply feels the great loss it has sustained in one who was ever ready to meet its numerous appeals. Its welfare was one of the last wishes of her heart, breathed with her farewell message to its rector, her brother, absent in a foreign land, and unconscious of his double loss.

As a daughter and a sister, no language can fitly portray her eminent excellences; self-denying, ever thoughtful for others, and never so well pleased as when laboring for those who needed sympathy and kindness.

Her truly Christian conversation and her graceful simplicity of manner, shone "like apples of gold in pictures of silver." Her walk was with God, and her faith "the evidence," for her, "of things not seen."

In remembering the nobleness of her character, and in more affectionately lingering over the contemplation of its singular loveliness, we are glad to think of her as having crossed the dark river in peace, leaning with unfaltering trust upon the arm of her Saviour.

"Calm on the bosom of thy God,
Fair spirit! rest thee now!
E'en while with ours thy footsteps, trod,
His seal was on thy brow."

ALFRED MASON.

Alfred Mason was the second son of Mr. Mason. He entered Exeter Academy with his brother James, two years his junior; the one destined for a college education and a profession, and the other for the life of a merchant.

After the usual preparation at that celebrated school, Alfred entered Bowdoin College. There he early developed a taste for the Natural Sciences, especially for mineralogy and geology, under that distinguished man Professor Cleveland, who seemed (441) by the power of his genius to attract and attach his pupils to him in a remarkable way.

Alfred entered upon the study of medicine immediately after graduating at college, under the direction of Dr. Pierrepont, in Portsmouth. To diversify his occupation, and to put in practice his acquirements, he early made the Almshouse serve as a sort of hospital, and there experimented upon such of the inmates as were willing to have him try his skill upon them, and he was never at a loss for patients. He used to say the old women paupers loved medicine, and were never satisfied without a dose, whether needed or not. He always gratified them by administering, according to the exigency of the case, sometimes a bread pill or other mild remedy, when the patient did not seem to require more powerful treatment. He had a bright and genial way with him, which encouraged and made friends of these poor people, so that his welcome visits cheered and enlivened them as much by his friendly and kind manners as by any supposed charm in his applications.

After a sufficient preliminary preparation in the study of his profession, he attended the Medical Lectures in Philadelphia, where he had much friendly intercourse with those eminent practitioners, Doctors Gibson, Chapman, and Barton. Subsequently he went to New York for the benefit of the Medical Course there. He applied for the position of Resident Student in Bellevue Hospital, the largest institution of the kind in the State, and received the appointment. He entered upon the duties of the station with great ardor and zeal. A fever of most violent and malignant character soon broke out, and spread through the wards, carrying off great numbers of the patients, with whom he was in constant attendance, in fearless disregard of the danger to his own life; he was attacked, and prostrated by the disease. It was soon apparent that he was to be a victim to his own courageous devotion to what he thought was his duty.

Mr. and Mrs. Mason, on receiving information of his sickness, immediately left Portsmouth to proceed to New York, but were stopped in Boston by news of his death.

His brother George reached New York in time to see him before he expired, but when too late to be recognized.

During his sickness he received the utmost care from Doctor Delafield, the warm and constant friend of his family; and also from the medical staff of the hospital, who all felt a deep solicitude, for he had strongly attached himself to them by his manly qualities, and the intelligence he displayed in the arduous duties of his position. But it was beyond the power of human effort to save him from the devastating scourge; and thus was cut off in his early manhood a career of remarkable promise, which would have been an honor to the profession and to humanity.

The last melancholy duties of his burial were performed under the direction of Doctor Delafield and the late Charles March, with a tender and affectionate care, for which his family will never cease to be grateful. The remains were deposited in (442) Mr. March's family tomb, where they laid until after Mr. Mason's removal to Boston, when he had them brought to Mount Auburn and placed in his lot, with others of his family.

This first entrance of death into the family circle of Mr. Mason, which had until then been so cheerful and sunny, cast a deep shadow over it, and left its impression for a very long time.

With talents and prospects so brilliant, it was the disappointment of hopes, which had been fondly and justly cherished, and shared by the numerous friends of the family in Portsmouth, where he was a great favorite, making friends always by his cordial and genial bearing, and they manifested their sorrow in an affecting manner.

At the request of the young men of Portsmouth, a eulogy was pronounced by Dr. Cheever, portions of which are now printed, to show their appreciation of his worth.

"Alfred Mason, whose early loss we mourn, was born the twenty-fourth of March, 1804, and under circumstances of parentage, rarely enjoyed, to elicit and bring forward his naturally sagacious and inquisitive mind. It is not, however, my intention to dwell upon the early scenes of his childhood. A thousand little incidents, with their kindred emotions, rather to be felt than described, must rush upon your minds, when I advert to days on which memory fondly lingers, before the charm and magic of existence has been broken by the trials and vicissitudes of maturer years. His early life he spent amongst you, and how cheerfully and happily, will not be forgotten. You all remember his docility and gentleness, the ingenuousness and sweetness of his temper, the amiable simplicity of his character, and the noble generosity of his soul.

"After passing the usual period at Phillips' Exeter Academy, where he gained the attachment and esteem of all who knew him, he entered Bowdoin College. Here the same qualities of the mind and heart, which endeared him to his earliest friends, made him esteemed and beloved in every connection he formed. If, however, he was not particularly distinguished in the routine of its exercises, it was not that he was deficient in industry, or insensible to the importance of intellectual cultivation; for in a very large class he exerted a commanding influence by his extensive information on subjects of general and polite literature, and by his unrivaled eminence in a particular department of knowledge; but because he viewed the prescribed studies of a college life as comparatively of inferior value to one who had marked out for himself a course of life, in which they would prove, at least, of doubtful utility; and he had strength and elevation of character to forego the trifling distinctions they might confer, in his love for those which were more congenial to his taste, and for which he ever evinced a most remarkable genius. It is the remark of one who knew him best, a classmate and an intimate friend, 'that he discovered in early life a decided partiality for natural science; and as he increased in years, it ripened into the most devoted and exclusive attachment. He flung his arms around her inanimate form, and, like Pygmalion's statue, and nature grew into life, and beauty, and (443) intelligence, beneath his warm embrace; and neither mathematics, nor poetry, politics, nor pleasure, could shake his constancy or estrange his love from those charms that won his youthful heart.'

"Thus early did he show a prediliction for studies in which he afterwards became a remarkable proficient. Nor was he without sympathy in these high and noble pursuits. It was his good fortune at this period to attract the notice of one whom our country has delighted to honor, as having attained to the very foremost rank in natural science, and for whom, in a particular branch, we should, perhaps, be unwilling to yield the palm of distinction to any in the world.[1] From him our young friend received the greatest assistance. He caught his spirit, and by his aptitude for learning, his industry and enthusiastic exertion, did honor to the distinguished attentions that had been so liberally and so generously bestowed upon him. He particularly devoted himself to the sciences of physiology, natural history, chemistry, and mineralogy; and in each, particularly the latter, made very high and honorable attainments. To his knowledge of this particular branch our Athenaeum is indebted for many of its valuable specimens, and for its classification and scientific arrangement. It was probably the connection of these branches of science which he so much loved, with that of medicine, to which they are auxiliaries, which led him to pursue it as a profession.

"Having honorably completed his education at Brunswick, he entered his name as a student of medicine with a distinguished physician[2] of this place, whose known ardor and zeal in the pursuit of science was a pledge of success to a favorite pupil. Being naturally endowed with a mind active, ardent, and discriminating, he possessed every requisite for success and distinction in the profession he had chosen, not only from the acuteness of his discernment, his

[1] Professor Cleveland, of Bowdoin College.

[2] Dr. Pierrepont.

decision, and judgment, but from an exalted sense of integrity, and a truly humane and philanthropic disposition. To the cultivation of the several branches of his pursuits he devoted himself with the most unwavering zeal and untiring industry. Indeed, all the energies of his soul seemed to be consecrated to the advancement of his favorite object. It was in him a passion, to which everything of minor importance was compelled to give way. He did not thus engage, however, from mere pecuniary views of its importance, though these were probably estimated as they should be, of real, though subordinate value; for there was nothing selfish or mercenary in his nature. No. He loved his profession as a science, in its nature ennobling to a diligent cultivator, and in its effects a blessing to mankind. He labored for principles. He believed with the great Rush, that medicine without principles is an humble art and a degrading occupation; but, connected with them, the sure road to honor, and the moral and intellectual elevation of character. With such just and ennobling views of the art, he at different periods visited the first medical schools of our country, always (444) acquiring something valuable to add to his stock of knowledge, and always returning with an ardor unabated for still further improvement.

"It might be supposed, that in a mind thus constituted, and devoted as it was to the discipline of severe study and abstruse investigation, that there would be but little opportunity for the exercise of the finer feelings of our nature. But in this respect he possessed a delightful harmony of character. He did not cultivate his understanding at the expense of his heart; they grew up and flourished together. With a most affectionate disposition there was united in him a delicacy and tenderness of sensibility to the sufferings of others, which manifested itself in the most unwearied efforts for doing them good, and a benevolence which was limited only by his powers of usefulness. He was truly the friend to the sick and the destitute; extending to them, as opportunity offered, not only the high offices of his profession, but, as we have not unfrequently witnessed, the bountiful hand of kindness and charity. Accustomed, from his situation in life, to mingle with the most cultivated society, he carried into the world a love for its refined and elevated enjoyments. Nature, indeed, had formed him for the pleasure of friendship and of social intercourse; and how much he enjoyed them, no one, who remembers his affability and playfulness of manner, and the happiness which beamed from every expression of his countenance, will ever forget. Happy himself, he made every one happy about him by the cheerfulness and vivacity of his disposition, and by a singularly frank, accessible, captivating, yet unpresuming deportment. He diffused a charm over the various relations and endearments of domestic life by the ardor and strength of his attachments, by the kindness and gentleness of his spirit, and by his indifference to self in his deep solicitude for the happiness and welfare of the circle with which he was connected.

"The same zeal which characterized him in the medical profession distinguished him in everything he undertook; ever active and ardent, and ever extending his influence to the promotion of human improvement. In this respect, he will be remembered for his generous labors, in the instruction of a class of young ladies in the elements of botany, and in one of our Sunday-schools, as a faithful and intelligent teacher of the principles of our holy religion; and, as he carried into life a respect and reverence for its sacred institutions, so, affections so ardent and elevated, we trust, must have imbibed a portion of its benevolent spirit, and been warmed by its heavenly influences.

"That a mind and heart thus cultivated, as they had already made him respected and beloved, would have rendered him an ornament to the medical profession—the messenger of mercy, indeed, to the distresses of suffering humanity,—cannot be doubted. Why they were not permitted to ripen into greater usefulness, and extend more widely their benevolent influences, is concealed from us by Him, who knoweth what is best for us, and we would reverently bow to this act of His inscrutable providence.

"Early the last autumn he left this place for New York, where he took up his residence, and passed the winter under the instruction of an eminent practitioner,[1] in the most assiduous attention to his studies, and unremitted exertions for still further accomplishments. Believing that a large hospital would afford him still greater facilities for improvement, and for witnessing disease in its greatest variety and most malignant forms, he solicited the situation of assistant-surgeon at Bellevue Hospital; and it is honorable to him to mention that so highly were his attainments appreciated, that from very many applications he was selected to the office.

"During the winter an epidemic had prevailed in the hospital, which, although it had apparently disappeared at the time of his entrance, shortly afterwards made its appearance again, spreading through its crowded wards with greater severity and fatality than before had been known. To a young man of his warm and generous character, with a deep sense of responsibility, and a heart overflowing with sympathy, it may be easily imagined how trying and laborious must have been the situation in which he was placed; and how kind, how faithful and vigilant he was in the practice of his duties amid the appalling scenes of suffering and death, we have the testimony of his senior in office, and many a grateful heart which survived its ravages will ever hold his name in tender remembrance. Regardless of danger where he had known duties to perform, and worn down by care and anxiety in unremitted attempts to stay the desolation that was spreading around him, he fell a victim to a distemper which, though treacherous and perhaps flattering in its attack, soon developed, in the destruction of his reason and strength, its inveterate and fatal malignancy.

"Thus died our friend, after a few days' illness, at the early age of twenty-four, in the midst of life,—when the world was bright, when he had gained the confidence of success, and was reaping the rewards of an honorable ambition, and the faithful cultivation of the powers and faculties which God had given him.

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[1] Dr. Delafield.

"We could have wished, if consistent with His will, that a mind so ardent and intelligent, so devoted to generous exertion and noble enterprise, might have been spared to his friends and society; but not our will, but His be done. We would not recall him; we would not have had him purchased even life at the expense of his duties. No. He had sought the situation which proved indeed his grave, and we would not have had him shrunk from its dangers. To those who loved him best, as they fondly dwell upon the virtues of his character, how happy will be the reflection that his last days were passed in endeavoring to soften the pillow of distress in administering to the wants of the sick and the dying. And O, how consoling the thought that he died in the cause of suffering humanity; that he died at the post of his duties! It may be, too, that his work accomplished, his duties done, in the faithful improvement of mind and development of character, he is wanted in a nobler sphere of existence for nobler purposes, and for still higher advancement. It may (446) be he has been mercifully removed from impending woe, from disappointments and sorrows, which would have damped his ardor and ruined his peace. It is certain that the event, however afflicting it may be, is the allotment of infinite goodness and of unerring wisdom."

JAMES JEREMIAH MASON.

James Jeremiah Mason, the third son of Mr. Mason, was born in Portsmouth, N. H., June 13, 1806. His early education was mainly in his father's house, under the direction of Mr. Stephen Fales, a graduate of Harvard College, who came into Mr. Mason's family to superintend the education of his two sons, Alfred and James, and at the same time pursue the study of law in Mr. Mason's office.

After a preparation of a few years of this kind, they both went to Exeter

Academy, and on completing the usual term at that institution, Alfred entered Bowdoin College, and James, who had chosen a mercantile career, entered the counting-room of Messrs. James W. Paige & Co. of Boston, then extensively engaged in the importing business and subsequently so well known as the agents of some of our most important manufacturing companies.

On his attaining his majority, James entered into business in Boston on his own account, but was soon called to New York by advantageous offers to go into the commission business in that larger field of enterprise, and the prospects held out to him were of so promising a kind, that he decided to yield his preference for a residence in Boston and remove to the great emporium of business.

His father's family had not then come to Boston to reside, and he therefore was not held by all the strong ties of family affection which existed at a later period, but still by his kind and genial manners, and more by the noble and endearing qualities of his character, he had won so many warm and devoted friends, that it became a hard struggle to make up his mind to part with them. Fortunately he was not destined long to be separated from them.

The eminent house in which he commenced his career as a clerk, then composed of Mr. James W. Paige and Mr. Nathan Appleton, had received impressions so favorable to his capacity and his integrity of character while in a subordinate position in their house and from observation of his conduct in New York, that they soon sent for him to return and become a partner with them. This was a flattering appreciation of his ability and his power of usefulness; for in those days the standard by which men were judged was much higher than prevails now, and no doubtful or ambiguous traits were overlooked in the estimate. Close and constant attention to business was then expected and required. The amount of work performed by men in mercantile pursuits, of the class now specially referred to, was greater than in these days. The difference in the manner of doing business and the magnitude of the transactions may in a measure explain the necessity for some divergence from (447) the old system, but no amelioration of the rules of business should dispense with habits of close attention to the interests entrusted to agents, who should feel a responsibility as trustees of the property and interests of others, which justifies no neglect. We have witnessed so much and suffered so severely in these late days by unfaithful and dishonest agents, that we may well regret the disregard of the high standard required in business men which prevailed formerly.

In these new relations James bore himself with conspicuous credit, increasing and retaining his hold upon the respect of the community without interruption to the close of his life. His residence in New York, though short, opened a new field of observation and for the enlargement of his knowledge of affairs which he did not fail to use to the best advantage. Thus the experience and the acquaintance he gained by this change, at first so reluctantly made, proved very beneficial in his after life and fitted him the better for the new relations which he was to undertake.

He was married January 22, 1835, to Elizabeth Frances Thorndike, daughter of the late Israel Thorndike of Boston. He did not survive his marriage many months. With his wife and a party of ladies he proceeded on a journey to Virginia in the spring of 1835, where he contracted a fever, which developed on his return to Boston after some weeks, and ended in his death June 13, 1835, aged 29 years.

His character was one of great amiability, gentleness, and purity. Few young men have attained so high a degree of respect among his contemporaries, for his excellent attainments, his unquestioned integrity, and those qualities of mind which with a pleasing bearing, commanded the love and esteem of all. He was uncommonly devoted and affectionate in the family circle, and a great favorite in the society in which he moved. He had no extravagances or vices, and in these particulars he never gave his parents or his friends a moment's uneasiness. He had the confidence of older men and especially in his business connections to a remarkable degree. His manners were courteous and winning, carrying confidnce in his face and in his words; attractions the power of which all know how to value; and to these qualities so useful in the daily life of all who desire to gain the esteem of their fellow-men he owed very much the commanding influence which he attained among those with whom his connection was intimate during his business career.

The writer of this notice, though with a partial eye probably, looks back now after this long period since his death, and with a not small experience of men, upon the life and character of James J. Mason with new and increasing admiration.

CHARLES MASON.

The following memoir of this amiable and excellent man, and faithful and devoted pastor, written by his friend the Rev. Andrew P. Peabody, D. D., first appeared (448) in the "Proceedings of the Massachusetts Historical Society," 1863-64. It was reprinted, with some additions, in a volume of Mr. Mason's "Parochial Sermons," published in 1865:—

"The Rev. Charles Mason was born in Portsmouth, New Hampshire, July 25th, 1812. His early education was conducted under the choicest home influences, both intellectual and moral. He inherited from his father a judicial cast of mind, habits of careful and accurate thought, and the tendency to form opinions on the deliberate weighing of argument and evidence; while his mother's simplicity, modesty, and tenderness were happily blended in his boyhood with the attributes that gave presage of a genuine and self,sustaining manliness.

"About the time when he would have entered college, he was seized with a dangerous illness,[1]—the same disease that terminated his life, after an interval of thirty-five years of almost uninterrupted health; and for several months he was so feeble that the care and comfort of his home were deemed essential to his entire restoration. His father's library became his study and his recitation-room; and here his conscientious diligence and fidelity, his maturity of judgment, his frankness, probity, and purity of character, gave full promise of all that he became in subsequent years. Seldom can there have been, at so early an age, so symmetrical a development. The recent death of an elder brother, of distinguished ability and excellence, had impressed him deeply, and combined with the religious instructions of his childhood to form that profound, yet cheerful seriousness which was hardly less the characteristic of his boyhood than of his riper years.

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[1] Typhoid Fever.

"At the commencement of the summer term of 1829, he entered the freshman class at Harvard. Here he assumed and maintained a high rank as a scholar, though with but little ambition for college honors. His aim was to satisfy his own conscience by the faithful discharge of every duty, rather than to acquire a brilliant reputation. He brought to his classical studies a discriminating taste; and in these, as also in metaphysical and moral science, he manifested a peculiar aptitude and proficiency. His choice of the Hebrew language as an elective study indicated his future profession; and in this department he, with several of the brightest and best among his classmates, came under the tuition of the writer. In this little class were destined ministers of several different denominations,—Unitarian, Methodist, Baptist, Episcopal,—their teacher at the same time a theological student; and the recitation-hour was often prolonged in friendly discussion of the great themes on which their views were so widely diverse, though with entire community and harmony of aim and spirit.

"In these conferences, Mason bore his part with the firmness of settled conviction, but with a meekness, gentleness, and modesty which commanded the respect of the whole circle for himself and for the church of which he was the sole representative among them. The college course, though covering ostensibly nearly the same (449) ground as at present (including, indeed, a larger minimum in the mathematical and classical departments), made a much less heavy draft upon the time and labor of a good scholar than it does now; and Mason availed himself of his leisure hours for the perusal of the best authors, particularly of those early English classics which were his favorite reading through life, and which exercised a marked influence in the formation of his style.

"He was graduated with honor in 1832, and spent the following year at his father's residence in Boston, in the study of the Greek and Latin classics and in theological reading. In the autumn of 1833 he entered the Andover Theological Seminary, 'in order to make himself better acquainted with the views of those who differed from the Church, and to be ably versed in the Hebrew language and Biblical learning, then so well understood at Andover." The two following years were spent at the General Theological Seminary of the Episcopal Church in New York; and, at the close of this term, he was ordained deacon by the venerable Bishop Griswold. In September, 1836, he was invited to become the Rector of Christ Church, Cambridge, but declined the invitation, in order to secure an added period for professional study.

"On the 1st of May, 1837, he was instituted Rector of St. Peter's Church, Salem; and retained that charge for ten years, interrupted only by a European tour of a few months, at a time when health, somewhat enfeebled, rendered an interval of relaxation necessary. His ministry in Salem was eminently successful, both as regarded the external growth and the spiritual prosperity of his church. 'Few men, in the course of a ministry of ten years, have ever made so deep an impression upon the respect and affection of any people, as that which was made by Mr. Mason upon young and old in the parish of St. Peter's. Succeeding such men as Bishop Griswold and Dr. Vaughan, it was a matter of grateful surprise to them to find him exhibiting, even in youth, so much of the meekness of wisdom that had characterized those beloved rectors.' Assiduous in his own field of labor, prompt, judicious, and persevering in all the offices of a Christian citizen, active in the administration of all local charities, courteous and kind in his intercourse with the ministers and members of other communions, he left not only a cherished place in the hearts of his parishioners, but a hardly less fond regard and enduring memory in the whole community.

"Domestic reasons, and especially the desire to minister to his father's relief and comfort in the growing infirmity of his advanced age, were among his strong inducements to resign a charge, which was relinquished only with mutual regret and under a controlling sense of higher duty. In 1847 he became Rector of Grace Church, Boston; and the residue of his life was consecrated, with single-hearted zeal and diligence, to the duties of that office, and to the various and numerous departments of charity and philanthropy which demand the advocacy and effort of a Christian minister worthy of the name. 'The evidence of his usefulness is not only here, but (450) in all the region round about. Like the seed-cup blown from the tree, that takes root in adjoining gardens, so the constant outflow of migration hence has scattered the members of this parish into various churches of the neighborhood. For the last fourteen years, scores upon scores, drawn together by his influence, have transplanted, as it were, into other and separate fields, his pastoral culture. In this cure he exerted himself, even to the last, with a consecration of gifts, with an obliviousness of adventitious advantages, with a constancy to his post, with a patient purpose, and an untiring love, that realized the pattern of the true servant of Christ.' His professional work, from the time of his settlement here until his last sickness, was suspended only for a second and more prolonged European tour in 1858, in which he was accompanied by a part of his family.

"His labors in Boston far exceeded the limits of his parochial charge. 'He was long a member of the standing committee of the diocese, and a prominent member of all its ecclesiastical and missionary councils, in all of which his genial presence is deeply missed. His social position, his excellent judgment, his sound, clear, and faithful preaching, his consistent Christian character, and his judicious and unfailing liberality, made his influence to be widely felt beyond the range of his own parish.' 'Whatever labor his circumstances might have relieved him from, they were never suffered to relieve him from a patient and sympathizing care of the poor, the sick, and the ignorant. He was one of the first to arrange a sytematic visitation of the needy under the care of the rectors of Boston, and he carried it out in that part of the city geographically allotted to Grace Church parish.' At an early period of his residence in this city he associated himself with the principal founders of the association for the amelioration of the condition of the friendless poor, which is still among the most actively beneficent institutions in our community.[1] When this agency was efficiently organized, he turned his attention to the neglected children of the city. For some years he connected missionary operations in their behalf with the charities of his own parish, enlisting the co-operation of benevolent persons among his parishioners. In 1853 he hired rooms for the reception of these suffering children, and employed a female missionary to aid him in his endeavors to minister to their physical comfort and their moral and spiritual well-being. In 1855 his efforts had been so successful, and had become so extensively known, that the larger public were prepared to second him in providing a permanent asylum for the objects of his charity; and the Church Home for Orphan and Destitute Children was established. It is impossible to estimate the extended and enduring good resulting to its beneficiaries, and to the whole community, from an institution of this class, in which children who would otherwise grow up in ignorance and vice are made the objects of a parental kindness, placed under the highest religious influence, and prepared for useful and respectable positions in life.

"These special services, by introducing him to the poor as their devoted friend, (451) rendered him emphatically their minister. At all seasons, and in every way in which he could promote their good, he made himself accessible to their calls, familiar with their homes, and conversant with their needs. He forgot not that the preaching of the gospel to the poor was among the foremost of the prophetic designations of the Christian era; and no minister of Christ can ever have laid more solemn and intense emphasis than he did on this essential portion of his sacred calling. Nowhere, except in the hearts of his own household, can he have left so long and dear a remembrance as in the obscure, needy, and suffering homes in which he so lovingly ministered, and in which he so often saved the stricken from despair, and rescued the tempted from ruin.

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[1] The Boston Provident Association.

"We need not say that such a life was a happy life. None enjoyed more than he, or contributed more generously to the joy of others. He had a sunny temper, was accessible to all the brighter scenes and aspects of nature and of life, and had the warmest sympathy with childhood and mirth, with everything glad and beautiful, with all that is genial in art and taste and the refinements of social culture. The fountain of youth, drawn from, it might seem, too sparingly in his grave and thoughtful boyhood, remained unwasted, full, and clear to the very last week of his life; he became young again with his children; and in the ripe maturity of years, and under the weight of thronging cares and duties, he manifested even more buoyancy of spirit than before the responsibilities of life rested heavily upon him. Dignity and modesty were so evenly balanced, that we could not say which preponderated. 'Ingenuousness was strongly delineated on his features and manners, and he was utterly incapable of hypocrisy or deceit.' The most delicate courtesy governed him in all the relations of life. His was the politeness, based on the golden rule of the Gospel, which cannot say or do that to another which it would not have said or done in return. He could be severe against falsehood, wrong, or evil; but no provocation could betray him into personal invective or abuse, or make him otherwise than kind, even to those from whom he dissented the most widely, or whom he held in the low-est esteem. 'Those who knew him best, knew him as a skillful master of the art of reconciliation. He had both a disposition and a genius for this office of mediation. He had the rare ability to come quietly between separated parties without exasperating or irritating the one or the other.

" 'His mental action was distinguished by precision, justness, and accuracy. Neither emotion, prejudice, nor enthusiasm suppressed or distorted the judicial faculty. His strong, yet thoroughly disciplined feelings received law from his intellect, instead of sweeping it into their channel; and they were both profound and quiet, because they flowed from well-grounded belief and thorough conviction; while unreasoning emotion may roll in a torrent today, and be dry tomorrow. His mind thus had a continuous growth and a symmetrical development; and, to those who saw him only at somewhat distant intervals, he seemed more and richer at every interview.

" 'He had more taste than fancy. With a strongly marked individuality, he indulged (452) in no eccentricities of speculation or utterance. A severely discriminating judgment, conformed to the highest standards, repressed all wayward tendencies of thought, and made his opinions always worthy of respect and deference. His learning was at once extensive and thorough. A merited testimony to his reputation as a divine was paid to him by his Alma Mater in the degree of Doctor of Divinity, conferred on him in 1858,—a degree which he received in the same year from Trinity College, Hartford. He was especially conversant with the writings of the Christian Fathers, and of the early theologians of the English Church. In literature he was most familiar with the best authors, particularly with the ancient classics, and with the English writers of the Elizabethan age. He was greatly interested in legal subjects, and, particularly in the latter part of his life, had instituted special studies in that department, with reference to an important ecclesiastical suit then and still pending. In historical pursuits, we found him a prompt and cordial helper in the deliberations of this Society, from whose meetings he was seldom absent, and whose aims had his warm and constant sympathy and furtherance. Several of his discourses were published, by request, from time to time, besides various articles in religious and other periodicals, which often appeared without the author's name. His style as a writer was severely chaste and accurate; seldom impassioned, never dull; rhythmical, pointed; elaborate without being involved; adapted, perhaps, to the eye, rather than to the ear. His aim seemed to be the statement rather than the enforcement of the truth. He appealed to the judgment, rather than to feeling or imagination. Indeed, his method of composition was conformed rather to the more exacting standards of an earlier generation than to a time like the present, when sensational writing, preaching, and oratory can override with impunity all the barriers of taste, and even of reverence and decency.

" 'Though his distinguishing characteristic might not be what the world calls eloquence, yet he was distinguished for something better,—a boldness in defending the doctrines of the Gospel, a love of Christ, as the dearest of all themes, an all-absorbing interest in the salvation of the souls of men, thorough Scriptural knowledge, persuasive language, directness of appeal, simplicity of expression, with a humble and natural manner.'

"Thoroughly a Churchman by conviction, taste, and sympathy, he was still more profoundly a Christian; and while he never swerved from loyalty to his own church, his relations with clergymen and Christians of other communions were cordial and intimate; and, to all who knew him, he seemed a single hearted, close, and earnest follower of his Saviour, loving all who loved the Lord, living only to do the Lord's work, and, diligent as he was in every form of Christian activity, yet performing a still larger and nobler service by an example and influence which made piety beautiful, lovely, and attractive.

"Mr. Mason's domestic life, except for the shadow of one great grief, was singularly happy. On the 11th of June, 1837, he married Susanna, daughter of the late Amos (453) Lawrence, with whose family he was already intimately connected. Mrs. Mason closely resembled her father in the traits of character which rendered him unostentatious, as he was one of the truly illustrious men of his time. She made her home happy, and a centre of hospitality and benignant influence. With a rare grace, beauty, and attractiveness of mien and manner she united qualities that won the enduring respect and affection of all whose privilege it was to know her. She died, deeply lamented, on the 2d of December, 1844, leaving three daughters and one son.

"On the 9th of August, 1849, Mr. Mason was married to Anna Huntington, daughter of the late Hon. Jonathan H. Lyman, of Northampton, a distinguished lawyer and a man of eminent ability and worth, who had been cut off midway on a successful and honored career of professional and public life. By this marriage he had another son and two daughters. Thenceforward few can have had so much enjoyment as he in all domestic and social aspects and relations, 'clouded, it is true, from time to time, by the loss of those most dear.' The death of another brother, and, in later years, of his beloved and honored father and mother, and again, but three years before his own death, that of an elder sister, whose personal devotion to him and unwavering sympathy in every professional and social duty had been to him a source of great strength, and were held in ever grateful remembrance to the very close of his life,—all these events cast their deep shadows over his pathway. But no one ever lived with a happier *assurance* of the 'communion of saints,' or a more constant remembrance of heaven as our *home*. In his own words, 'the journey thither is by a pleasant wayside, but the happiest journey of all will be when that of life is over.'

"Cultivating ever this cheerful faith, he worked on under all such bereavement and sorrow, 'praying so to be assisted with God's grace as to continue in holy fellowship with all the members incorporate in the mystical body of the Son, and to do all such good works as are prepared for us to walk in,' believing that 'we, with all those departed in the true faith of His holy name, shall have our perfect consummation and bliss, both in body and soul, in His eternal and everlasting glory, through Jesus Christ our Lord.'

"Late in the winter of 1862, Dr. Mason made a brief and rapid journey to Washington; and returned, as he supposed, suffering under unusual and extreme weariness. He, however, seemed to recover from his fatigue, and, after a few days, resumed his duties, apparently in perfect health. But within a few weeks, symptoms of alarming disease were developed, and typhoid fever set in. While his consciousness remained unimpaired, he manifested, under great depression and pain, the serenity, self-forgetfulness, and kind consideration for those around him, which had characterized him through life. He knew that he was very ill; but, before he had been made aware of the extremity of his danger,—indeed, while his physicians and friends still cherished some hope of his restoration,—he sank into painless dissolution (454) on the morning of Sunday, March 23d, 1862. Funeral services were held at Grace Church on the following Wednesday, and the Bishop of the Diocese delivered an address commemorative of Dr. Mason's character and life, which was followed, at a meeting of the clergy immediately after the services, by another from his early friend and earliest pastor, the Rev. Dr. Burroughs, of Portsmouth."

SURVIVING CHILDREN.

The surviving children of Jeremiah Mason are three in number,—Miss Jane Mason, Robert Means Mason, and Mrs. Marianne Ellison, wife of Commodore Francis B. Ellison, U. S. N. They all reside in Boston.

Robert Means Mason was married December 4th, 1843, to Sarah Ellen Francis, who died September 27th, 1865. They had six children, of whom three are living,—Bessie, wife of Robert Charles Winthrop, Jr.; Ellen Francis Mason, and Ida Means Mason.

Alfred, born 15th March, 1850; died 12th February, 1852.

Anna Francis, born 18th January, 1852; died 2d November, 1860.

Clara Thorndike, born 26th February, 1854; died 23d September, 1868.

MARIANNE MASON, now Mrs. Ellison, was married June 5, 1838, to Royal A. Crafts, who died May 25, 1864. They had two children,—James Mason Crafts,[a] Professor of Chemistry in the Massachusetts Institute of Technology, and Mary Elizabeth Crafts.

The children of Charles Mason are all living,—Susan, wife of Dr. F. E. Oliver; Amos Lawrence; Sarah,[b] wife of Dr. Hasket Derby; Mary, wife of Howard Stockton; Anna Sophia Lyman, Charles Jeremiah[c] and Harriet Sargent Mason. (455)

[a] Prof. James Mason Crafts is a grandson of Jeremiah Mason, and died in June, 1917, in Boston. He materially assisted in the preparation of this reproduction of this Memoir.

[b] Sarah, Mrs. Dr. Hasket Derby, is now living in Boston and has co-operated in the publication of this edition of Mr. Mason's Memoir.

[c] The Rev. Charles Jeremiah Mason, of Scarsdale, Westchester County, N. Y., is the only grandson of Jeremiah Mason living, and he, also, has contributed with the editor of this revision, and assisted in many ways.

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